

# **EXHIBIT 7**

Ben Smith

2/26/2021

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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA WESTERN DIVISION	1 BEN SMITH 2 INSTRUCTIONS TO THE WITNESS 3
CASE NUMBER 7:19-cv-00403-RDP	4 Please read your deposition 5 over carefully before you sign it. You 6 should make all your changes on the 7 attached errata sheet.
ADAM JONES and JOSHUA HASTINGS, Plaintiff(s), vs. BUZZFEED, INC., BUZZFEED NEWS, BEN SMITH, and KATIE J.M. BAKER, Defendant(s).	8 After making any changes 9 which you have noted on the attached 10 errata sheet, sign your name on the 11 Deponent's Certificate and date it. You 12 are signing it subject to the changes you 13 have made on the errata sheet, which will 14 be attached to the deposition.
VIDEO AND ZOOM DEPOSITION TESTIMONY OF: BEN SMITH	15 Return the attached errata 16 sheet and Deponent's Certificate to 17 Birmingham Reporting, 3710 4th Avenue 18 South, Birmingham, Alabama 35222.
FEBRUARY 26, 2021 9:35 a.m. COURT REPORTER: NANCY W. PANNELL, CCR The reading and signing of this deposition has been waived	19 According to the Rules of 20 Civil Procedure, you will have thirty (30) 21 days from the date you receive this 22 deposition in which to read it, sign it, 23 and return the errata sheet and Deponent's
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1 Certificate to the above office. If you 2 fail to do so, you automatically waive 3 your right to make any corrections to your 4 deposition. 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	1 ERRATA SHEET 2 PAGE LINE EXPLANATION 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23

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<p style="text-align: right;">Page 5</p> <p>1 DEPONENT'S CERTIFICATE</p> <p>2</p> <p>3 I, BEN SMITH, the witness</p> <p>4 herein, have read the transcript of my</p> <p>5 testimony and the same is true and</p> <p>6 correct, to the best of my knowledge. Any</p> <p>7 corrections and/or additions, if any, are</p> <p>8 listed separately.</p> <p>9</p> <p>10</p> <p>11 _____</p> <p>12 BEN SMITH</p> <p>13</p> <p>14 _____</p> <p>15 DATE</p> <p>16 Sworn to and subscribed</p> <p>17 before me, this the ____ day of</p> <p>18 _____, 2021, to certify my hand</p> <p>19 and seal of office.</p> <p>20</p> <p>21 _____</p> <p>22 NOTARY PUBLIC</p> <p>23</p>	<p style="text-align: right;">Page 6</p> <p>1 S T I P U L A T I O N</p> <p>2 IT IS STIPULATED AND AGREED</p> <p>3 by and between the parties through their</p> <p>4 respective counsel that the VIDEO AND ZOOM</p> <p>5 DEPOSITION of BEN SMITH may be taken</p> <p>6 before Nancy W. Pannell, Certified</p> <p>7 Shorthand Reporter and Notary Public,</p> <p>8 State at Large, at the offices of</p> <p>9 Birmingham Reporting WorkSouth Tuscaloosa</p> <p>10 Office, 1490 Northbank Parkway, Conference</p> <p>11 Room 252, Tuscaloosa, Alabama, on FEBRUARY</p> <p>12 26, 2021, commencing at approximately 9:35</p> <p>13 A.M.</p> <p>14 IT IS FURTHER STIPULATED AND</p> <p>15 AGREED that the signature to and the</p> <p>16 reading of the deposition by the witness</p> <p>17 IS NOT waived, the deposition to have the</p> <p>18 same force and effect as if full</p> <p>19 compliance had been had with all laws and</p> <p>20 rules of Court relating to the taking of</p> <p>21 depositions.</p> <p>22 IT IS FURTHER STIPULATED AND</p> <p>23 AGREED that it shall not be necessary for</p>
<p style="text-align: right;">Page 7</p> <p>1 any objections to be made by counsel to</p> <p>2 any questions, except as to form or</p> <p>3 leading questions, and that counsel for</p> <p>4 the parties may make objections and assign</p> <p>5 grounds at the time of trial or at the</p> <p>6 time said deposition is offered in</p> <p>7 evidence, or prior thereto.</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p style="text-align: right;">Page 8</p> <p>1 I N D E X</p> <p>2</p> <p>3 EXAMINATION BY: PAGE NO.</p> <p>4 MR. RITCHEY 12</p> <p>5 CERTIFICATE 191</p> <p>6</p> <p>7</p> <p>8 INDEX OF EXHIBITS</p> <p>9</p> <p>10 PLAINTIFF'S EXHIBITS: PAGE NO.</p> <p>11 111 Michael Calderone article, 73</p> <p>12 7 pages</p> <p>13 112 Ronan Farrow article by Ben 91</p> <p>14 Smith, 6 pages</p> <p>15 113 BuzzFeed Article by Katie 140</p> <p>16 Baker, 18 pages</p> <p>17 114 Email BuzzFeed 3731 163</p> <p>18 115 BuzzFeed 3399, Email 166</p> <p>19 116 BuzzFeed News Standards and 169</p> <p>20 Ethics Guide, 19 pages</p> <p>21</p> <p>22</p> <p>23</p>

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<p>1 APPEARANCES</p> <p>2</p> <p>3 FOR THE PLAINTIFF(S): @Birmingham</p> <p>4 Reporting WorkSouth Tuscaloosa office</p> <p>5 MR. BOBBY H. COCKRELL, JR.</p> <p>6 MR. G. SCOTCH RITCHEY, JR.</p> <p>7 COCKRELL, COCKRELL, TOWNSEND &amp;</p> <p>8 RITCHEY, LLP</p> <p>9 1409 UNIVERSITY BOULEVARD</p> <p>10 TUSCALOOSA, ALABAMA 35401</p> <p>11</p> <p>12 FOR THE DEFENDANT(S): (Via Zoom)</p> <p>13 MS. KATHERINE M. BOLGER</p> <p>14 DAVIS, WRIGHT, TREMAINE, LLP</p> <p>15 1251 AVENUE OF THE AMERICAS</p> <p>16 21ST FLOOR</p> <p>17 NEW YORK, NEW YORK, 10020-1104</p> <p>18</p> <p>19 MR. JOHN G. "JT" THOMPSON (via Zoom)</p> <p>20 LIGHTFOOT FRANKLIN &amp; WHITE</p> <p>21 400 NORTH 20TH STREET</p> <p>22 THE CLARK BUILDING</p> <p>23 BIRMINGHAM, ALABAMA, 35203</p>	<p>1 ALSO PRESENT:</p> <p>2 Trevor Webster, Zoom Host</p> <p>3 @Birmingham Reporting</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
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<p>1 I, Nancy W. Pannell, a Certified</p> <p>2 Shorthand Reporter of Birmingham, Alabama,</p> <p>3 and a Notary Public for the State of</p> <p>4 Alabama at Large, acting as Commissioner,</p> <p>5 certify that on this date, pursuant to the</p> <p>6 Federal Rules of Civil Procedure and the</p> <p>7 foregoing stipulation of counsel, there</p> <p>8 came before me at the offices of</p> <p>9 Birmingham Reporting WorkSouth Tuscaloosa</p> <p>10 Office, 1490 Northbank Parkway, Conference</p> <p>11 Room 252, Tuscaloosa, Alabama, commencing</p> <p>12 at approximately 9:35 A.M. on FEBRUARY 26,</p> <p>13 2021, BEN SMITH, witness in the above</p> <p>14 cause, for oral examination, whereupon the</p> <p>15 following proceedings were had:</p> <p>16</p> <p>17</p> <p>18 VIDEOGRAPHER: We are now on</p> <p>19 the record. This is the video deposition</p> <p>20 of Ben Smith, Case Number</p> <p>21 7:19-cv-00403-RDP in the United States</p> <p>22 District Court for the Northern District</p> <p>23 of Alabama, Western Division.</p>	<p>1 Today's date is February 26,</p> <p>2 2021 and the time is 9:35 a.m. Would</p> <p>3 counsel introduce yourself into the</p> <p>4 record, after which time the court</p> <p>5 reporter will swear in the witness.</p> <p>6 MR. RITCHEY: Scotch Ritchey</p> <p>7 for the plaintiffs.</p> <p>8 MR. COCKRELL: Bob Cockrell</p> <p>9 for the plaintiffs.</p> <p>10 MS. BOLGER: Kate Bolger for</p> <p>11 the defendants, and on the line is JT</p> <p>12 Thompson also for the defendants.</p> <p>13 BEN SMITH,</p> <p>14 being first duly sworn, was examined and</p> <p>15 testified as follows:</p> <p>16 COURT REPORTER: Thank you.</p> <p>17 Will this be usual stipulations?</p> <p>18 MR. RITCHEY: Yes.</p> <p>19 MR. BOLGER: Actually can</p> <p>20 Ben read and sign please?</p> <p>21 COURT REPORTER: Yes.</p> <p>22 EXAMINATION</p> <p>23 BY MR. RITCHEY:</p>

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<p>1 Q. Will you just introduce yourself</p> <p>2 on the record?</p> <p>3 A. Yeah, my name is Benjamin Smith.</p> <p>4 Q. Do you mind if I call you Ben or</p> <p>5 Benjamin?</p> <p>6 A. You call me Ben.</p> <p>7 Q. Okay. Well, Ben, I'm Scotch</p> <p>8 Ritchey. I'm representing the plaintiffs</p> <p>9 in this action.</p> <p>10 Just going to ask you a few</p> <p>11 questions, and I'm just going to go over</p> <p>12 just a few ground rules for a Zoom</p> <p>13 deposition.</p> <p>14 It's a little different than what</p> <p>15 we're used to. We usually take these in</p> <p>16 person, but we're having to do it</p> <p>17 virtually now, but if you need a break</p> <p>18 just, let me know, we'll be happy to</p> <p>19 accommodate that.</p> <p>20 If you don't hear a question, just</p> <p>21 ask me to repeat and I'll be happy to do</p> <p>22 so. If you don't understand it, just ask</p> <p>23 me to clarify and I'll be happy to do</p>	<p>1 that, too.</p> <p>2 Since this is over Zoom, there may</p> <p>3 be a lag or a disconnect sometimes, so if</p> <p>4 you would just give me a second to</p> <p>5 complete my question and I'll give you</p> <p>6 some time to give a complete answer.</p> <p>7 Also, if you'll just give audible</p> <p>8 answers so the court reporter can get it</p> <p>9 down, so yes and no's, no shaking heads</p> <p>10 and anything like that. That's just so we</p> <p>11 can get a clean record.</p> <p>12 And if I say is that a yes or is</p> <p>13 that a no, I'm not trying to get onto you,</p> <p>14 just trying to get that clean record.</p> <p>15 If you answer, then we'll assume</p> <p>16 you heard and understood the question; is</p> <p>17 that fair?</p> <p>18 A. Yes.</p> <p>19 Q. Are there any reasons why you</p> <p>20 cannot answer truthfully and fully today?</p> <p>21 A. No.</p> <p>22 Q. Is there anything that would</p> <p>23 interfere with you answering questions</p>
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<p>1 today?</p> <p>2 A. No.</p> <p>3 Q. Have you ever given a deposition</p> <p>4 before?</p> <p>5 A. Yes.</p> <p>6 Q. How many times?</p> <p>7 A. I can think of once.</p> <p>8 Q. Okay. Tell me when that was.</p> <p>9 A. I don't know the exact date.</p> <p>10 Q. Do you know the approximate year</p> <p>11 or so?</p> <p>12 A. I believe it was in 2018 or 2019,</p> <p>13 but Kate Bolger would know for sure.</p> <p>14 Q. Okay. What did that -- was it a</p> <p>15 case you were being deposed on?</p> <p>16 A. Yes.</p> <p>17 Q. What was that case about?</p> <p>18 A. It was a defamation lawsuit by a</p> <p>19 Russian businessman against BuzzFeed.</p> <p>20 Q. Were you named as a party in that</p> <p>21 lawsuit?</p> <p>22 A. Yes.</p> <p>23 MS. BOLGER: Actually, Ben</p>	<p>1 wasn't named as a party in that lawsuit.</p> <p>2 A. Sorry, correction I was not.</p> <p>3 I should defer to Kate on the</p> <p>4 details of that lawsuit, as you see.</p> <p>5 Q. (By Mr. Ritchey) Do you know who</p> <p>6 the -- was BuzzFeed a defendant in that</p> <p>7 lawsuit, if you know?</p> <p>8 A. You know, I don't have it in front</p> <p>9 of me. If you would like, I could call it</p> <p>10 up and read it, but I think I probably</p> <p>11 shouldn't just rely on my memory for that.</p> <p>12 Q. Yeah, that's fine. We can try to</p> <p>13 find it another way, but do you remember</p> <p>14 who the Russian businessman was?</p> <p>15 A. Yeah, his name is -- his last name</p> <p>16 is Gubarev, G-u-b like boy-a-r like</p> <p>17 Robert-E like Edward-V like Victor.</p> <p>18 Q. What's his -- do you know his</p> <p>19 first name?</p> <p>20 A. Aleksej. I'm not sure how it's</p> <p>21 spelled. I'm also not sure if he is a</p> <p>22 Russian national.</p> <p>23 Q. Okay. Did the defamation suit</p>

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<p>1 concern an article that was published by</p> <p>2 BuzzFeed?</p> <p>3 A. I don't remember exactly whether</p> <p>4 the claim was about an article or about a</p> <p>5 document that we published.</p> <p>6 Q. Okay. What do you remember about</p> <p>7 the case? What was the basis for it?</p> <p>8 A. I remember a lot about the case.</p> <p>9 Could you be more specific?</p> <p>10 Q. I'm guessing what did he claim</p> <p>11 defamed him?</p> <p>12 A. He -- I don't want to put words in</p> <p>13 his mouth. You know, I really would be</p> <p>14 more comfortable -- would you like me to</p> <p>15 pull the thing up? I can just pull it up</p> <p>16 if you want.</p> <p>17 Q. That's fine, if you have it right</p> <p>18 in front of you.</p> <p>19 A. Sure.</p> <p>20 Q. And what are you pulling up just</p> <p>21 so I know?</p> <p>22 A. I'm just Googling Gubarev versus</p> <p>23 BuzzFeed.</p>	<p>1 MS. BOLGER: I mean, Scotch,</p> <p>2 I can answer this and move it along if you</p> <p>3 would like without having Ben -- it was</p> <p>4 about the publication of the Steele</p> <p>5 dossier by BuzzFeed and the article that</p> <p>6 accompanied it.</p> <p>7 MR. RITCHEY: Okay.</p> <p>8 THE WITNESS: I just don't</p> <p>9 want to freelance in general terms --</p> <p>10 MS. BOLGER: And Ben's</p> <p>11 struggling with telling you whether it was</p> <p>12 the article or just the dossier. It's a</p> <p>13 lawyerly distinction, but the point is it</p> <p>14 was about the article and the dossier.</p> <p>15 Q. (By Mr. Ritchey) Right. And the</p> <p>16 publication of that; is that right?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 A. Yeah, I think so. I just don't</p> <p>20 want to make claims about what exactly the</p> <p>21 litigation and sort of the legal terms was</p> <p>22 about when I'm talking to a lawyer.</p> <p>23 Q. That's fine, I understand.</p>
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<p>1 Do you know where that case was</p> <p>2 filed?</p> <p>3 A. In Florida.</p> <p>4 Q. Is that case still pending?</p> <p>5 A. Again, I think I don't know the</p> <p>6 technical terms for it.</p> <p>7 Q. Okay. Has it been dismissed?</p> <p>8 A. There have been rulings, but I</p> <p>9 wouldn't want to use technical language.</p> <p>10 Q. Okay. Other than your attorneys,</p> <p>11 have you spoken with anyone about this</p> <p>12 current lawsuit?</p> <p>13 A. Yes.</p> <p>14 Q. Who have you spoken to?</p> <p>15 A. My family.</p> <p>16 Q. And who specifically within your</p> <p>17 family?</p> <p>18 A. My -- let's see, well, I told my</p> <p>19 wife this morning that I was being</p> <p>20 deposed, and I talked to my two sons last</p> <p>21 night about being deposed.</p> <p>22 Q. Did you tell them anything</p> <p>23 specific about this case?</p>	<p>1 A. Not that I recall.</p> <p>2 Q. Have you spoken to them at any</p> <p>3 other point about this case or your</p> <p>4 deposition?</p> <p>5 A. Not that I recall.</p> <p>6 Q. Have you talked to anyone else</p> <p>7 other than your attorneys about this</p> <p>8 deposition or this case?</p> <p>9 A. I don't remember specific</p> <p>10 conversations.</p> <p>11 Q. Okay. Do you remember anything</p> <p>12 about talking to Katie Baker or Alex</p> <p>13 Campbell -- excuse me, Tina Susman, Marisa</p> <p>14 Carroll, or Sharmila Venkatasubban?</p> <p>15 A. I don't recall any specific</p> <p>16 conversations with them.</p> <p>17 Q. Do you recall any general</p> <p>18 conversations with them?</p> <p>19 A. I think I've discussed with Katie</p> <p>20 Baker that we were being sued, but I don't</p> <p>21 remember any of the details of those</p> <p>22 conversations and not recently to my</p> <p>23 memory.</p>

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<p>1 Q. Do you remember when y'all had</p> <p>2 those discussions?</p> <p>3 A. Let's see, I left BuzzFeed in</p> <p>4 February of 2020, so it would have been</p> <p>5 before that, and I also don't know if it</p> <p>6 was one discussion or multiple</p> <p>7 discussions.</p> <p>8 Q. And all you discussed was being</p> <p>9 sued and nothing else?</p> <p>10 A. Well, can you be more specific?</p> <p>11 We talked about lots of things in our</p> <p>12 lives.</p> <p>13 Q. Well, in regards to this article</p> <p>14 or in regard to this lawsuit.</p> <p>15 A. As I recall -- the one thing I</p> <p>16 recall telling her, which was what I tell</p> <p>17 reporters in general, was that these</p> <p>18 processes are slow and they go on for a</p> <p>19 long time and she should just realize</p> <p>20 that.</p> <p>21 Q. Did she tell you anything?</p> <p>22 A. Not that I recall. No, not that I</p> <p>23 recall.</p>	<p>1 Q. Have you reviewed anything in</p> <p>2 preparation for this deposition?</p> <p>3 A. Yes.</p> <p>4 Q. What have you reviewed?</p> <p>5 A. Let's see, I read your complaint.</p> <p>6 I read the article in question.</p> <p>7 I read an email -- you know, I</p> <p>8 don't want to say the specifics because I</p> <p>9 can't kind of quote the text and the</p> <p>10 dates, but I read at least two emails that</p> <p>11 were internal BuzzFeed emails from some</p> <p>12 point in the last few years or between,</p> <p>13 you know, 2016 and 2020.</p> <p>14 I'm trying to think if there's</p> <p>15 anything else I reviewed. Hang on a</p> <p>16 second. I can't think of anything else,</p> <p>17 but there probably are other things.</p> <p>18 Q. What do you remember of those two</p> <p>19 emails you reviewed?</p> <p>20 MS. BOLGER: Object to the</p> <p>21 form. Misstates the answer.</p> <p>22 Ben, you can answer if you</p> <p>23 like.</p>
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<p>1 A. You know, I can call them up in my</p> <p>2 email if you want me to look at them. I</p> <p>3 don't want to speculate on, you know,</p> <p>4 something I just read.</p> <p>5 Q. (By Mr. Ritchey) That's fine. I'm</p> <p>6 just asking do you remember anything right</p> <p>7 now about what those emails stated?</p> <p>8 A. I don't want to try to quote from</p> <p>9 memory. I can call them up if you would</p> <p>10 like.</p> <p>11 Q. I'm not trying to make you quote.</p> <p>12 Just in general what do you remember about</p> <p>13 those emails?</p> <p>14 A. You know, that they were emails</p> <p>15 that either I sent or received that had</p> <p>16 something to do with this case is what I</p> <p>17 remember.</p> <p>18 Q. Do you remember if they were sent</p> <p>19 or received before or after this lawsuit</p> <p>20 was filed?</p> <p>21 A. I believe they were sent -- you</p> <p>22 know -- no, I don't know. I don't know</p> <p>23 the date of when you filed so I don't</p>	<p>1 know.</p> <p>2 Q. Were they sent or received --</p> <p>3 A. I don't know for sure.</p> <p>4 Q. Were these emails sent or received</p> <p>5 before the article was published?</p> <p>6 A. I believe at least one was sent</p> <p>7 before and I'm not sure of the context for</p> <p>8 the other that I can think of, but I think</p> <p>9 there were several emails actually and</p> <p>10 they were chains of emails, so, again, I</p> <p>11 don't really want to -- I'm not totally</p> <p>12 sure and I don't want to just sort of</p> <p>13 guess from memory. If you like, I can go</p> <p>14 look at them.</p> <p>15 Q. Do you currently live in New York?</p> <p>16 A. Yes.</p> <p>17 Q. How long have you lived there?</p> <p>18 A. I've lived here since 2001.</p> <p>19 Q. Have you ever been to Alabama?</p> <p>20 A. Yes.</p> <p>21 Q. When did you -- or I guess when</p> <p>22 did you go to Alabama?</p> <p>23 A. I don't remember the precise --</p>

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<p>1 I've been there -- I've been there more 2 than once and I don't remember the precise 3 dates. 4 Q. Do you remember what years? 5 A. I've been to -- you know, I've 6 been to Birmingham I would say within the 7 last ten years, and I know I drove around 8 with my sister, must have been more than 9 ten years ago. I remember visiting 10 Aliceville and Tuscaloosa. 11 Q. What was the nature of that trip? 12 A. Tourism. 13 Q. Just -- 14 A. Sort of a road trip. 15 Q. Did you visit anywhere specific in 16 Tuscaloosa? 17 A. We walked around the campus a 18 little bit. 19 Q. And this was with your sister? 20 A. Yeah, my little sister. 21 Q. Does she live in Alabama? 22 A. No. Does she -- I believe she did 23 live there at some point.</p>	<p>1 Q. Okay. But currently -- 2 A. I could track that. I don't 3 remember for sure. 4 Q. No, that's fine. I'm just trying 5 to get a little jury information, but 6 currently she doesn't live in Alabama? 7 A. No, she doesn't. 8 Q. Is that the only time you've been 9 to Alabama? 10 A. As I said, I think I've been there 11 at least twice and probably more, but I 12 don't remember the details. 13 Q. Did you have an email address 14 while you were at BuzzFeed? 15 A. Yes. 16 Q. Do you remember what that was? 17 A. [REDACTED] 18 Q. Did you use any other email 19 address for BuzzFeed purposes? 20 A. No. 21 Q. Do you have any social media 22 accounts? 23 A. Yes.</p>
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<p>1 Q. Which ones do you have? 2 A. I have a Twitter account. I have 3 a Facebook account. I have an Instagram 4 account. 5 Do you want the ones I have now or 6 the ones I had at a particular time? 7 Q. The ones you've had since we'll 8 say 2016. 9 A. Okay. I mean, unfortunately, I am 10 in this business, so this list could go on 11 for a little bit. 12 Q. Okay. 13 A. I have a LinkedIn account. I have 14 a Clubhouse account. I have an account on 15 Telegram. I have an account on Signal-- 16 that's not social media, I'm sorry. 17 I have an account on Snapchat. I 18 have an account on Periscope. I have an 19 account on Path. I have an account on 20 GroupMe. TikTok, I don't know if that 21 counts as social media. WeChat and 22 Nextdoor. That's what I'm looking at on 23 my phone right now.</p>	<p>1 Q. Okay. 2 A. And Slack. And there are probably 3 some others -- I'm sure there are others 4 that I haven't listed. 5 Q. What's your Twitter handler? 6 A. It is now [REDACTED] and previous to 7 my current job it was @BuzzFeedBen. And 8 prior to that was it BenPolitico. 9 Q. Did you make new Twitter accounts 10 for each of those handlers or just change 11 the handler name? 12 A. Just changed the handle. 13 Q. Facebook is that just under your 14 name, Ben Smith? 15 A. It's a very common name. I think 16 it's I -- don't know what it's under 17 technically, but it is under my name. And 18 if you search -- I don't know how it 19 works. Actually it can be hard to find 20 Ben Smith. 21 Q. I bet. 22 MS. BOLGER: I'm married to 23 a guy named John Brown. I'm very close to</p>

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<p>1 this.</p> <p>2 Q. (By Mr. Ritchey) I haven't had</p> <p>3 that issue yet.</p> <p>4 A. There's a star of the Bachelor</p> <p>5 right now named Ben Smith which is a huge</p> <p>6 problem for my life.</p> <p>7 Q. Do you ever get tweeted at when</p> <p>8 they're trying to get him?</p> <p>9 A. Unfortunately not. The photograph</p> <p>10 kind of does the trick.</p> <p>11 Q. What's your Instagram handle?</p> <p>12 A. Let me check here. I think it's</p> <p>13 BuzzFeedBen -- hold on. Hang on just one</p> <p>14 second. It's BuzzFeedBen, all written</p> <p>15 together.</p> <p>16 Q. And then is LinkedIn under your</p> <p>17 name?</p> <p>18 A. Yep.</p> <p>19 Q. What about Periscope?</p> <p>20 A. I don't think Periscope is live</p> <p>21 and exist anymore. It would be linked to</p> <p>22 my Twitter account, but I think they've</p> <p>23 turned it off. Twitter bought it, but it</p>	<p>1 would have been under my Twitter name.</p> <p>2 Q. Okay. Are you currently married?</p> <p>3 A. Yes.</p> <p>4 Q. Who are you married to?</p> <p>5 A. Her name is Liena Zagare. I can</p> <p>6 spell that if you'd like. L-like</p> <p>7 Larry-i-e like Edward-n like Nancy-a like</p> <p>8 apple.</p> <p>9 Last name Z like zebra-a like</p> <p>10 apple-g like girl-a like apple-r Robert-e</p> <p>11 like Edward.</p> <p>12 Q. Has she ever lived in Alabama?</p> <p>13 A. No.</p> <p>14 Q. Does she have any relatives that</p> <p>15 live in Alabama?</p> <p>16 A. Not that I know.</p> <p>17 Q. Do you have any adult children or</p> <p>18 adult relatives that live in Alabama?</p> <p>19 A. No.</p> <p>20 Q. Have you ever served in the armed</p> <p>21 forces --</p> <p>22 A. Actually I would say I don't know</p> <p>23 -- I don't know all of my adult relatives.</p>
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<p>1 Q. The ones you do know.</p> <p>2 A. I have a complicated family, but</p> <p>3 not that I know of. It's possible, but I</p> <p>4 don't know.</p> <p>5 Q. My grandfather was one of 13 so we</p> <p>6 have about 400 relatives that show up at</p> <p>7 family gatherings, so I know how that</p> <p>8 goes.</p> <p>9 Have you ever served in the armed</p> <p>10 forces?</p> <p>11 A. No.</p> <p>12 Q. Have you ever been charged or</p> <p>13 arrested with a crime?</p> <p>14 A. No.</p> <p>15 Sorry, the dog just pushed the</p> <p>16 door open.</p> <p>17 Q. Are you good?</p> <p>18 A. Yeah.</p> <p>19 Q. Have you ever been a party to a</p> <p>20 lawsuit other than this one?</p> <p>21 A. Yes.</p> <p>22 Q. And what lawsuit?</p> <p>23 A. In my job as editor of BuzzFeed I</p>	<p>1 was party -- again, I'm not sure -- I'm</p> <p>2 sorry, I don't actually know what party to</p> <p>3 means. Does that mean named --</p> <p>4 Q. Were you named -- yeah, were you</p> <p>5 actually named in the lawsuit?</p> <p>6 A. You know, there were a number of</p> <p>7 lawsuits I was involved in and I believe I</p> <p>8 was named in some of them, but they were</p> <p>9 in kind of the ordinary course of running</p> <p>10 a newsroom. I would have to check which</p> <p>11 ones I was party to.</p> <p>12 Q. But just off the top of your head</p> <p>13 do you remember any specifically?</p> <p>14 A. I guess I -- you know, I remember</p> <p>15 the lawsuits, but I don't remember who the</p> <p>16 named defendants were in BuzzFeed, yeah.</p> <p>17 Q. And we've talked about all the</p> <p>18 depositions or testimony --</p> <p>19 A. And I should say I also -- I've</p> <p>20 been party to -- I'm trying to think.</p> <p>21 I believe I've been party to other</p> <p>22 lawsuits that were at other moments in my</p> <p>23 career, but I'm not absolutely sure, but I</p>

8 (Pages 29 to 32)

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<p>1 could look it up for you if you'd like.</p> <p>2 Q. You just don't remember them right</p> <p>3 now?</p> <p>4 A. There was a lawsuit, I just can't</p> <p>5 remember again if I was the named</p> <p>6 plaintiff or if my company was named and</p> <p>7 whether it went -- whether it got beyond a</p> <p>8 legal threat, but there was a blog I was</p> <p>9 involved in in a lawsuit, you know, gosh,</p> <p>10 must have been 2006.</p> <p>11 Q. What blog was that?</p> <p>12 A. It was called Room Eight,</p> <p>13 e-i-g-h-t.</p> <p>14 Q. Do you remember what the</p> <p>15 allegations were?</p> <p>16 A. And I should say it's possible</p> <p>17 that I was named in other lawsuits. I</p> <p>18 don't think so, but it is part of</p> <p>19 journalism sometimes it happens, and so I</p> <p>20 may be forgetting some.</p> <p>21 It would be 2000 and -- actually,</p> <p>22 it was a 2006 case was regarding whether</p> <p>23 commenters on a blog remain anonymous in a</p>	<p>1 political blog.</p> <p>2 Q. Okay. Do you remember any others?</p> <p>3 A. No.</p> <p>4 Q. Have you been married previously?</p> <p>5 A. No.</p> <p>6 Q. Okay. All right.</p> <p>7 I kind of want to just get your</p> <p>8 employment background now. I know it's</p> <p>9 probably been a long career, but if you</p> <p>10 would just tell me a little bit about any</p> <p>11 kind of journalism or editing employment</p> <p>12 jobs you've had prior to BuzzFeed.</p> <p>13 A. In which -- reverse or how would</p> <p>14 you like me to go? Start at the beginning</p> <p>15 or at the end?</p> <p>16 Q. Yeah, let's start at the</p> <p>17 beginning.</p> <p>18 A. I was a -- they had a fellowship</p> <p>19 program, it was call the Pulliam</p> <p>20 Fellowship at the Indianapolis Star where</p> <p>21 I covered police and crime in 1999.</p> <p>22 After that I worked for a</p> <p>23 newspaper called the Baltic Times in Riga,</p>
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<p>1 Lativa.</p> <p>2 I was then what they call a</p> <p>3 stringer, kind of a freelancer for the</p> <p>4 Wall Street Journal -- sorry, for the Wall</p> <p>5 Street Journal Europe, it was their</p> <p>6 European edition.</p> <p>7 I was the city hall reporter for a</p> <p>8 newspaper called the New York Sun from</p> <p>9 2000 and -- it launched in 2002 so it</p> <p>10 would have been 2002.</p> <p>11 I was then a reporter for a</p> <p>12 newspaper called the New York Observer and</p> <p>13 then for the New York Daily News and then</p> <p>14 for Politico from 2000 -- I guess it would</p> <p>15 have been the News was 2006, Politico was</p> <p>16 '07 to '11, and became the editor-in-chief</p> <p>17 of BuzzFeed in January of 2012.</p> <p>18 Q. Okay. How long were you at the</p> <p>19 Indianapolis Star?</p> <p>20 A. Just a few months.</p> <p>21 Q. Did you write about any sexual</p> <p>22 assault or rape cases while you were</p> <p>23 there?</p>	<p>1 A. I don't recall.</p> <p>2 Q. Did you have a title position</p> <p>3 while you were at Indianapolis Star?</p> <p>4 A. Yeah, I think they were called</p> <p>5 Pulliam fellows, P-u-l-l-i-a-m, it was the</p> <p>6 family that developed the paper.</p> <p>7 Q. All right. And then you moved to</p> <p>8 the Baltic Times. Was there any reason</p> <p>9 for that change?</p> <p>10 A. I mean my fellowship had run out</p> <p>11 and I was applying for jobs.</p> <p>12 Q. Do you remember --</p> <p>13 A. Which reminds me, and I guess I</p> <p>14 should probably revise my previous answer,</p> <p>15 which I was also in Alabama when I applied</p> <p>16 for a job at the Anniston Star in 1999.</p> <p>17 Q. Have you ever worked for the</p> <p>18 Anniston Star?</p> <p>19 A. Just a one day tryout.</p> <p>20 Q. Did they ever offer you a</p> <p>21 position?</p> <p>22 A. Yes.</p> <p>23 Q. I'm assuming you didn't take it?</p>

9 (Pages 33 to 36)

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<p>1 A. Yeah, correct.</p> <p>2 Q. Any reason for that?</p> <p>3 A. The managing editor of the paper</p> <p>4 at the end -- when he offered me the job</p> <p>5 told me -- when I told him I was either</p> <p>6 going to do that or the two things I was</p> <p>7 excited about were Anniston and this weird</p> <p>8 job in eastern Europe, and he told me that</p> <p>9 he had had a similar choice when he was a</p> <p>10 young reporter and had chosen to come to</p> <p>11 the Star and had always regretted it.</p> <p>12 Q. I think you made the right choice.</p> <p>13 A. So I don't know. I always</p> <p>14 wondered. Sort of a strange thing to say.</p> <p>15 Q. All right. And so that -- so got</p> <p>16 -- well, he offered the Anniston Star</p> <p>17 position, but you took the Baltic Times</p> <p>18 position; is that right?</p> <p>19 A. Uh-huh (affirmative) yes.</p> <p>20 Q. Okay. And when did you start</p> <p>21 working for Baltic Times?</p> <p>22 A. Fall of 1999.</p> <p>23 Q. Just one year?</p>	<p>1 A. Less than a year.</p> <p>2 Q. What type of stories did you cover</p> <p>3 at the Baltic Times?</p> <p>4 A. All kinds of stories.</p> <p>5 Q. Did any involve sexual assaults or</p> <p>6 rapes?</p> <p>7 A. That was a long time ago. Not</p> <p>8 that I recall.</p> <p>9 Q. All right. Then you I guess came</p> <p>10 back to the New York Sun in 2002; right?</p> <p>11 A. Yes.</p> <p>12 Q. How long were you there?</p> <p>13 A. I came back in 2001, the paper</p> <p>14 launched in 2002, and I was there for</p> <p>15 about two years.</p> <p>16 Q. Did you have a title position?</p> <p>17 A. City hall reporter, something like</p> <p>18 that. I don't remember the exact title</p> <p>19 but I could check if you want.</p> <p>20 Q. That's enough for us. Did you</p> <p>21 ever cover any sexual assaults or rapes</p> <p>22 while you were there?</p> <p>23 A. I primarily covered politics and</p>
Page 39	Page 40
<p>1 politicians. I'm trying to think about</p> <p>2 whether there were --</p> <p>3 MS. BOLGER: I thought it</p> <p>4 was mutually exclusive.</p> <p>5 A. That -- yeah, I'm trying -- I'm</p> <p>6 just trying to think about the allegations</p> <p>7 against various politicians and when they</p> <p>8 were while I was covering for the Sun.</p> <p>9 Not that I recall for the Sun.</p> <p>10 Q. (By Mr. Ritchey) Okay. Was there</p> <p>11 any reason you left the Baltic Times for</p> <p>12 the New York Sun?</p> <p>13 A. I left it because I got a job</p> <p>14 freelancing for the Wall Street Journal</p> <p>15 Europe which was a better job, paid better</p> <p>16 and better publication.</p> <p>17 Q. So you freelanced for the Wall</p> <p>18 Street Journal in Europe before moving to</p> <p>19 New York Sun?</p> <p>20 A. Right.</p> <p>21 Q. How long was that freelance?</p> <p>22 A. About two years.</p> <p>23 Q. So about, let's see, you were with</p>	<p>1 New York Sun from about 2002 to 2004; is</p> <p>2 that about right?</p> <p>3 A. Yeah, through maybe late '03.</p> <p>4 Q. Okay. And then you moved to New</p> <p>5 York Observer?</p> <p>6 A. Yes.</p> <p>7 Q. Would that have been late 2003,</p> <p>8 that move?</p> <p>9 A. I could check. Somewhere in that</p> <p>10 ballpark.</p> <p>11 Q. Okay. Was there any reason for</p> <p>12 the move?</p> <p>13 A. It was a more widely read</p> <p>14 publication.</p> <p>15 Q. How long were you with the New</p> <p>16 York Observer?</p> <p>17 A. About two years.</p> <p>18 Q. So about 2005?</p> <p>19 A. Yeah, ended '05.</p> <p>20 Q. Did you have a position or a title</p> <p>21 while there?</p> <p>22 A. I was city hall reporter.</p> <p>23 Q. Was that mainly politics as well?</p>

10 (Pages 37 to 40)

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<p>1 A. Yes.</p> <p>2 Q. Do you remember any sexual assault</p> <p>3 or rape cases that you covered?</p> <p>4 A. You know, I worked so many stories</p> <p>5 there and I would need to go back and</p> <p>6 look. I don't remember specifically.</p> <p>7 Q. Okay. All right.</p> <p>8 And then you moved to the New York</p> <p>9 Daily News after that?</p> <p>10 A. Yeah.</p> <p>11 Q. That's about 2006?</p> <p>12 A. Uh-huh (affirmative).</p> <p>13 Q. How long were you there?</p> <p>14 A. One year.</p> <p>15 Q. Did you have a titled position</p> <p>16 while you were there?</p> <p>17 A. City hall reporter, blogger,</p> <p>18 something like that. I can't remember</p> <p>19 exactly.</p> <p>20 I had a column there. Actually</p> <p>21 columnist was probably the title.</p> <p>22 Q. Was that again more politic</p> <p>23 related?</p>	<p>1 A. Yes, politics and government.</p> <p>2 Q. Do you remember any sexual assault</p> <p>3 or rape case you covered while there?</p> <p>4 A. You know, I would have to go back</p> <p>5 and refresh my memory. I don't remember a</p> <p>6 specific one.</p> <p>7 Q. Was there any reason for leaving</p> <p>8 the New York Observer for the Daily News?</p> <p>9 A. It was more a widely read</p> <p>10 publication and the job paid more.</p> <p>11 Q. All right. And then you went from</p> <p>12 the Daily News to Politico?</p> <p>13 A. Yeah.</p> <p>14 Q. Any reason for that change?</p> <p>15 A. It was an opportunity to write</p> <p>16 about national rather than local politics.</p> <p>17 Q. Did you have a title position</p> <p>18 there?</p> <p>19 A. I think it was something like</p> <p>20 senior political reporter, but I would</p> <p>21 have to check.</p> <p>22 Q. Did you cover any sexual assault</p> <p>23 or rape cases while you were there?</p>
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<p>1 A. You know, I don't remember the</p> <p>2 exact either the charges or the exact</p> <p>3 timing of things like that.</p> <p>4 Maybe there weren't -- you know, I</p> <p>5 don't want to -- I don't remember the</p> <p>6 specific allegations in, for instance, the</p> <p>7 Foley case, but there were a number of --</p> <p>8 there were regular scandals around sexual</p> <p>9 misconduct of various kinds, in Congress</p> <p>10 in particular.</p> <p>11 Q. What do you remember about the</p> <p>12 Foley case?</p> <p>13 A. I remember that he was a Florida</p> <p>14 congressman accused of inappropriate</p> <p>15 conduct toward pages and that there were</p> <p>16 -- gosh, you know, and this may have been</p> <p>17 when I was at the Daily News rather than</p> <p>18 at the -- this was, in fact, when -- yeah,</p> <p>19 this must have been in '06, not '07 so I</p> <p>20 must have been at the Daily News, not at</p> <p>21 Politico.</p> <p>22 He was accused of inappropriate</p> <p>23 conduct toward pages, which I don't</p>	<p>1 remember the details, and that there were</p> <p>2 allegations that the Republican leadership</p> <p>3 had covered up or had not acted</p> <p>4 appropriately on the initial allegations.</p> <p>5 And I believe there were others</p> <p>6 but I don't remember the specifics.</p> <p>7 Q. That's the only one you</p> <p>8 specifically remember?</p> <p>9 A. Hold on. I can think about it for</p> <p>10 a while if you want. Yeah, it's the only</p> <p>11 one I specifically remember.</p> <p>12 Q. All right. From Politico you got</p> <p>13 the editor-in-chief job at BuzzFeed; is</p> <p>14 that right?</p> <p>15 A. Yes.</p> <p>16 Q. And you said that started in</p> <p>17 January of 2012?</p> <p>18 A. Yes.</p> <p>19 Q. And what was the reason for the</p> <p>20 move?</p> <p>21 A. It was an opportunity to do</p> <p>22 something new.</p> <p>23 Q. Is there a reason why you moved</p>

11 (Pages 41 to 44)

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<p>1 away from a more political-based media</p> <p>2 outlet?</p> <p>3 A. You know, I thought -- we covered</p> <p>4 politics very, very aggressively at</p> <p>5 BuzzFeed, so I didn't really see it as</p> <p>6 that.</p> <p>7 Q. So did BuzzFeed have BuzzFeed News</p> <p>8 before you were hired on as</p> <p>9 editor-in-chief?</p> <p>10 A. No, I was hired to start doing</p> <p>11 news there.</p> <p>12 Q. Do you remember who you were hired</p> <p>13 by?</p> <p>14 A. Do you mean like who my boss was</p> <p>15 or sent me the offer letter?</p> <p>16 Q. I guess did you interview with</p> <p>17 anyone?</p> <p>18 A. With Jonah Peretti, the founder.</p> <p>19 Q. Did he tell you anything about the</p> <p>20 job?</p> <p>21 A. Lots.</p> <p>22 Q. What do you remember?</p> <p>23 A. Could you be more specific? I</p>	<p>1 could talk for a long time.</p> <p>2 Q. I mean did he tell you why they</p> <p>3 were starting a BuzzFeed News site?</p> <p>4 A. Well, they weren't starting a</p> <p>5 BuzzFeed News site. They were --</p> <p>6 Q. What were they doing?</p> <p>7 MS. BOLGER: Let me object.</p> <p>8 I just don't actually understand the</p> <p>9 question --</p> <p>10 A. These are very broad questions --</p> <p>11 MS. BOLGER: Hold on, hold</p> <p>12 on, Ben.</p> <p>13 This is crazy broad</p> <p>14 questions that have nothing to do with</p> <p>15 this litigation.</p> <p>16 So obviously Ben can answer,</p> <p>17 but this is a waste of everybody's time,</p> <p>18 but, Ben, you can answer if you can.</p> <p>19 A. Could you just repeat the</p> <p>20 question?</p> <p>21 Q. (By Mr. Ritchey) Do you remember</p> <p>22 if he told you any reason why BuzzFeed was</p> <p>23 getting into more breaking news?</p>
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<p>1 MS. BOLGER: Object to the</p> <p>2 form. He didn't say --</p> <p>3 A. We didn't really -- we didn't</p> <p>4 really talk about breaking news.</p> <p>5 MS. BOLGER: Yeah, he didn't</p> <p>6 say they were talking about breaking news.</p> <p>7 Q. (By Mr. Ritchey) Okay. What about</p> <p>8 just news in general?</p> <p>9 A. Well, I think, as I recall, he</p> <p>10 believed that the social media landscape</p> <p>11 had changed in way that the content that</p> <p>12 people were sharing had broadened to</p> <p>13 include news.</p> <p>14 Q. Did he want to capitalize on that</p> <p>15 landscape change?</p> <p>16 MS. BOLGER: Object to the</p> <p>17 form. You're asking what Jonah Peretti</p> <p>18 thought in 2012 and you're asking that</p> <p>19 question of Ben Smith.</p> <p>20 Ben, if you know what was in</p> <p>21 Jonah's head, go ahead and tell him.</p> <p>22 A. Yeah, I don't know what was in</p> <p>23 Jonah's head.</p>	<p>1 Q. (By Mr. Ritchey) Okay.</p> <p>2 Did he ever tell you he wanted to</p> <p>3 capitalize on the landscape change you</p> <p>4 mentioned?</p> <p>5 A. I don't recall him ever using the</p> <p>6 word capitalize.</p> <p>7 Q. Did he use another word to --</p> <p>8 A. No, I don't -- you know, he wrote</p> <p>9 and was quoted very, very widely on this</p> <p>10 stuff, and I don't remember exactly what</p> <p>11 he thought and said when.</p> <p>12 A lot of it was in the public</p> <p>13 domain, so I could go -- if you like, I</p> <p>14 could refresh my memory on it.</p> <p>15 Q. Just what you know right now is</p> <p>16 fine.</p> <p>17 A. Yeah, I don't want to -- I don't</p> <p>18 want to remember exactly what he was</p> <p>19 thinking when. I just don't.</p> <p>20 Q. Okay. As an editor-in-chief of</p> <p>21 BuzzFeed News what's your duties and</p> <p>22 responsibilities or what were your duties</p> <p>23 and responsibilities?</p>

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<p>1 A. Well, they changed a lot over the</p> <p>2 course of eight years.</p> <p>3 Q. Okay.</p> <p>4 A. Is there a period in which you</p> <p>5 would like me to answer that specifically?</p> <p>6 Q. Yeah, what about we'll just say</p> <p>7 2015 to maybe 2018. Is that a good</p> <p>8 period?</p> <p>9 A. Yeah, yeah. I mean, I managed a</p> <p>10 team of editors and reporters and at times</p> <p>11 people producing video and audio content,</p> <p>12 covering -- you know, covering a pretty</p> <p>13 wide range of stories around the world and</p> <p>14 trying to get those -- you know, to tell</p> <p>15 the stories that interested people, to be</p> <p>16 accurate, to be fast, to be fair. What</p> <p>17 pretty much every news organization does.</p> <p>18 Q. How did you maintain accuracy in</p> <p>19 published articles?</p> <p>20 MS. BOLGER: Object to the</p> <p>21 form of the question.</p> <p>22 Way too broad, first of all,</p> <p>23 but also, Ben, to the extent that that</p>	<p>1 question calls you to talk about any</p> <p>2 article ever written other than this one,</p> <p>3 don't answer it; that would be privileged.</p> <p>4 But if you feel that you can</p> <p>5 answer that very broad question otherwise,</p> <p>6 go ahead.</p> <p>7 A. Given that, I don't think I can</p> <p>8 answer that question.</p> <p>9 Q. (By Mr. Ritchey) I mean, was there</p> <p>10 a standard that you implemented so that</p> <p>11 articles would be accurate?</p> <p>12 MS. BOLGER: Object to the</p> <p>13 form.</p> <p>14 But if you can answer, do.</p> <p>15 A. I mean, there's a long kind of</p> <p>16 tradition in journalism of professionalism</p> <p>17 and a focus on accuracy and fairness, and</p> <p>18 we -- and it's, you know, we both had</p> <p>19 standards and sort of internal -- you</p> <p>20 know, we're professional journalists, and</p> <p>21 I also hire very professional</p> <p>22 professionals as editors.</p> <p>23 You know, we took it very</p>
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<p>1 seriously. It's hard for me to answer</p> <p>2 that question without talking about</p> <p>3 specific stories though.</p> <p>4 Q. (By Mr. Ritchey) Did BuzzFeed News</p> <p>5 generally just write investigative</p> <p>6 reports?</p> <p>7 A. No.</p> <p>8 Q. What other type of stories or</p> <p>9 articles were written?</p> <p>10 A. We covered breaking news, you</p> <p>11 know, sort of the news of day. We covered</p> <p>12 technology on the internet. We covered</p> <p>13 politics.</p> <p>14 We covered sports for a time. We</p> <p>15 covered fashion for a time. We covered --</p> <p>16 we covered news in a number of other</p> <p>17 countries in the United States.</p> <p>18 We covered -- I mean, I can kind</p> <p>19 of go on. Is there -- we covered -- and</p> <p>20 there were -- and a lot of journalism is</p> <p>21 investigative in the sense that you're,</p> <p>22 you know, trying to -- all journalism in</p> <p>23 some ways is you're trying to get to the</p>	<p>1 facts and be fair and be accurate, but we</p> <p>2 also did have a special team that worked</p> <p>3 on larger investigations.</p> <p>4 Q. So you keep mentioning being fair</p> <p>5 and accurate. What does that take in</p> <p>6 journalism?</p> <p>7 MS. BOLGER: Object to the</p> <p>8 form.</p> <p>9 If you understand it, you</p> <p>10 can answer it.</p> <p>11 A. Yeah, could you be more specific?</p> <p>12 Q. (By Mr. Ritchey) Yeah, I mean, you</p> <p>13 keep saying you try to be fair and</p> <p>14 accurate. What does that entail with</p> <p>15 regards to writing a story or</p> <p>16 investigating a story?</p> <p>17 MS. BOLGER: Object to the</p> <p>18 form --</p> <p>19 A. I think those are very clear,</p> <p>20 simple words and then what you -- each</p> <p>21 story is really specific and detailed and</p> <p>22 the questions about how, you know, whether</p> <p>23 you're relying on public documents or</p>

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<p>1 something a public figure said or a</p> <p>2 private individual, it can vary a great</p> <p>3 deal on how you kind of implement your</p> <p>4 values.</p> <p>5 Q. (By Mr. Ritchey) While you were</p> <p>6 editor-in-chief at BuzzFeed News did you</p> <p>7 generally review articles before they were</p> <p>8 published?</p> <p>9 A. I don't think there was a -- when</p> <p>10 you say -- I think I'm -- I reviewed a lot</p> <p>11 of articles, but I also had a team of</p> <p>12 really experienced and trusted editors who</p> <p>13 worked on a lot of articles, and so I did</p> <p>14 not review everything before it was</p> <p>15 published.</p> <p>16 Q. Did you have a final say as to</p> <p>17 whether a study -- or a story would be</p> <p>18 published on BuzzFeed News?</p> <p>19 A. Yes.</p> <p>20 Q. Could you choose not to publish</p> <p>21 certain stories on BuzzFeed News?</p> <p>22 A. Yes.</p> <p>23 Q. And did you share that authority</p>	<p>1 with anyone?</p> <p>2 A. Yes.</p> <p>3 Q. Who did you share that with?</p> <p>4 A. There were probably -- I mean at</p> <p>5 various levels -- at various levels</p> <p>6 reporters and editors at any point could</p> <p>7 decide that a story was, you know, that a</p> <p>8 story they were pursuing shouldn't be</p> <p>9 published for any number of reasons.</p> <p>10 Q. But you had the final say over</p> <p>11 both reporters and editors?</p> <p>12 A. Yes, on a day-to-day basis. You</p> <p>13 know, ultimately my boss Jonah Peretti ran</p> <p>14 the company and had the final say.</p> <p>15 Q. Did you report to Jonah Peretti?</p> <p>16 A. Yes.</p> <p>17 Q. Did you ever engage in fact</p> <p>18 checking stories or articles prior to</p> <p>19 publication?</p> <p>20 A. What do you mean by fact checking?</p> <p>21 Q. To ensure the information or facts</p> <p>22 included in the article were accurate.</p> <p>23 A. In every story we worked to ensure</p>
Page 55	Page 56
<p>1 that the facts were accurate.</p> <p>2 Q. Did you ever suggest stories to</p> <p>3 reporters?</p> <p>4 A. Yes.</p> <p>5 Q. Did you suggest -- in regards to</p> <p>6 this particular article we're here on</p> <p>7 today, did you suggest that story to Katie</p> <p>8 Baker?</p> <p>9 MS. BOLGER: Object to the</p> <p>10 form.</p> <p>11 Why don't you tell Ben what</p> <p>12 story you're talking about?</p> <p>13 Q. (By Mr. Ritchey) I'm sorry for</p> <p>14 assuming, but it's the Katie Baker story</p> <p>15 that was published about the Rondini rape</p> <p>16 allegations, I believe it was published</p> <p>17 June 22nd, 2017.</p> <p>18 A. No.</p> <p>19 Q. Have any companies ever paid for</p> <p>20 stories to be published under BuzzFeed</p> <p>21 News?</p> <p>22 A. Well, all publications run</p> <p>23 advertising which is, you know, paid</p>	<p>1 content and so I think I -- you know,</p> <p>2 certainly outside -- no, we certainly</p> <p>3 didn't allow advertisers or anyone else to</p> <p>4 influence the content of stories on</p> <p>5 BuzzFeed News.</p> <p>6 Q. And I think this -- these are two</p> <p>7 separate things. Is BuzzFeed.com and</p> <p>8 BuzzFeed News two separate --</p> <p>9 A. They were not initially separate</p> <p>10 and then they were very -- and then the</p> <p>11 website was divided in various ways, and</p> <p>12 then at some point it became a separate</p> <p>13 domain.</p> <p>14 Q. Okay. But were you the</p> <p>15 editor-in-chief for BuzzFeed.com as a</p> <p>16 whole or just the news section of it?</p> <p>17 A. At different times -- the place</p> <p>18 grew, and so at different times I was over</p> <p>19 different bits of it, but included it,</p> <p>20 yeah.</p> <p>21 Q. Well, let's go through that. I</p> <p>22 guess when you started what were you the</p> <p>23 editor-in-chief over --</p>

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<p>1 A. Of BuzzFeed.com and there was no 2 distinction. 3 Q. Okay. And then did that change 4 during your tenure? 5 A. Yes. 6 Q. Do you remember when? 7 A. We -- I don't. It's all on the 8 internet, but I don't remember the dates. 9 Q. And then what -- can you just tell 10 me what that change was? 11 A. Yeah, we started doing video as 12 well as web content and so a different 13 executive was in charge of the video. 14 And then at some point we swapped 15 it so that I was in charge of news video 16 and web content and he was in charge of 17 non-news video and web content. 18 And then at some point along the 19 way we introduced a brand that we sort of 20 started just referring to the news content 21 as BuzzFeed News, so it had been news all 22 along and then -- and then -- and then at 23 some later point we broke that out onto a</p>	<p>1 URL of its own, BuzzFeedNews.com. 2 Q. You were the editor-in-chief of 3 BuzzFeed News for the investigating, 4 writing, editing processes of the article 5 that we're here for? 6 A. Yes. 7 Q. Did you ever give reporters a 8 click, view, impression or shares quota? 9 MS. BOLGER: Sorry, I 10 actually didn't hear or understand that 11 question. 12 Scotch, would you do it 13 again? 14 MR. RITCHEY: Do you mind 15 repeating that, Nancy? 16 (Whereupon, requested portion was 17 read back by court reporter.) 18 MR. RITCHEY: Quota. 19 COURT REPORTER: Quota, 20 sorry. 21 A. Not that I recall. 22 Q. (By Mr. Ritchey) I believe you 23 said you worked for BuzzFeed until</p>
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<p>1 February of 2020; is that right? 2 A. Yeah, I can't remember if my last 3 day was the last day of February or the 4 first day of March. It was one of those 5 two. 6 Q. Okay. Was there any reason for 7 leaving? 8 A. Yeah, I was -- I had been managing 9 for eight years and was eager to get back 10 to writing and had been offered a really 11 attractive job doing that. 12 Q. So did you like writing better 13 than managing? 14 A. No, I love managing. I just get 15 tired -- you kind of burn out on it. 16 Q. And what position or job did you 17 take after leaving BuzzFeed? 18 A. The media columnist job at the New 19 York Times. 20 Q. And you started that about 21 February or March of 2020? 22 A. March of 2020. 23 MS. BOLGER: Hell of a time</p>	<p>1 to start a new job. 2 Q. (By Mr. Ritchey) Really. 3 A. Very weird. 4 Q. Are you still with the New York 5 Times? 6 A. Yes. 7 Q. Are you still media columnist? 8 A. Yes. 9 Q. Have you covered any rapes or 10 sexual allegations while being the media 11 columnist at New York Times? 12 A. I've covered allegations of sexual 13 assault and rape. 14 Q. Do you remember which ones you 15 covered? 16 A. I covered the -- I'm not sure if 17 it's an exhaustive list, but I wrote about 18 some of the allegations against Harvey 19 Weinstein and I wrote about allegations 20 against a union leader in Pittsburgh. 21 Q. Do you have a supervisor at New 22 York Times? 23 A. Yes.</p>

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<p>1 Q. Who is that?</p> <p>2 A. Her name is Carolyn Ryan.</p> <p>3 Q. Did you attend high school?</p> <p>4 A. Yeah.</p> <p>5 Q. Where did you attend?</p> <p>6 A. School called Trinity in New York</p> <p>7 City.</p> <p>8 Q. And when did you attend?</p> <p>9 A. I graduated in [REDACTED]</p> <p>10 [REDACTED] Yeah.</p> <p>11 Q. I think so. I'm not good at math.</p> <p>12 Did you attend college?</p> <p>13 A. Yes.</p> <p>14 Q. Where did you attend?</p> <p>15 A. Yale University.</p> <p>16 Q. When did you start there?</p> <p>17 A. 1995.</p> <p>18 Q. Did you major or minor in anything</p> <p>19 while you were at Yale?</p> <p>20 A. I majored in linguistics.</p> <p>21 Q. Did you graduate from Yale?</p> <p>22 A. Yes.</p> <p>23 Q. When did you graduate?</p>	<p>1 A. 1999.</p> <p>2 Q. What was the degree in?</p> <p>3 A. Linguistics.</p> <p>4 Q. Did you ever write for the school</p> <p>5 newspaper while you were at Yale?</p> <p>6 A. Yes.</p> <p>7 Q. What was that newspaper called?</p> <p>8 A. The two that I wrote for were</p> <p>9 called the Yale Herald and the New</p> <p>10 Journal. There are other school</p> <p>11 newspapers as well.</p> <p>12 Q. That was the New Journal?</p> <p>13 A. Yeah.</p> <p>14 Q. Were you the editor-in-chief of</p> <p>15 any of those papers?</p> <p>16 A. No.</p> <p>17 Q. Did you cover any sexual assault</p> <p>18 or rape allegations at either?</p> <p>19 A. I don't remember.</p> <p>20 Q. Did you have any other schooling</p> <p>21 after graduating from Yale?</p> <p>22 A. No. The fellowship in</p> <p>23 Indianapolis had an educational component,</p>
Page 63	Page 64
<p>1 but other than that no.</p> <p>2 Q. Was that fellowship paid?</p> <p>3 A. Yeah.</p> <p>4 Q. Have you taken any journalism</p> <p>5 courses?</p> <p>6 A. No.</p> <p>7 Q. No media ethics or journalism</p> <p>8 ethics?</p> <p>9 MS. BOLGER: Object to the</p> <p>10 form.</p> <p>11 You mean courses in school</p> <p>12 or courses in --</p> <p>13 THE WITNESS: You mean</p> <p>14 courses at school or do you mean --</p> <p>15 MS. BOLGER: -- the</p> <p>16 newsroom? What do you mean?</p> <p>17 Q. (By Mr. Ritchey) Yeah. Right now</p> <p>18 just courses in school.</p> <p>19 A. Not in school.</p> <p>20 Q. Any news writing courses in</p> <p>21 school?</p> <p>22 A. No.</p> <p>23 Q. Any feature writing courses in</p>	<p>1 school?</p> <p>2 A. No.</p> <p>3 Q. Any media law courses in school?</p> <p>4 A. No.</p> <p>5 Q. Any interviewing technique courses</p> <p>6 in school?</p> <p>7 A. No.</p> <p>8 Q. Have you taken any kind of classes</p> <p>9 or schooling regarding those topics after</p> <p>10 school?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Do you want me to go down</p> <p>13 the list again or can you tell me --</p> <p>14 A. No, I mean, I think I was -- you</p> <p>15 know, in the newsroom you have all sorts</p> <p>16 of training.</p> <p>17 Q. More on-the-job training?</p> <p>18 A. Yeah, around all those things --</p> <p>19 MS. BOLGER: Object to the</p> <p>20 form. I don't think that's what he said.</p> <p>21 But you can answer, Ben.</p> <p>22 A. Yeah, around all of those things.</p> <p>23 Q. (By Mr. Ritchey) Did you take any</p>

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<p>1 classes or attend any seminars or any</p> <p>2 other schooling concerning those topics?</p> <p>3 A. You mean outside newsrooms?</p> <p>4 Q. Right.</p> <p>5 A. I think only as sort of a speaker</p> <p>6 in the classes, not as a student.</p> <p>7 Q. What did you speak about?</p> <p>8 A. I've spoken to many journalism</p> <p>9 classes about many different things.</p> <p>10 Q. Do they include those topics we</p> <p>11 just discussed?</p> <p>12 A. Some of them. Yeah, some of them,</p> <p>13 although I don't really have a</p> <p>14 comprehensive list. They weren't, you</p> <p>15 know, kind of my classes.</p> <p>16 Q. Have you ever had any law</p> <p>17 enforcement training?</p> <p>18 A. No.</p> <p>19 Q. Do you know what the elements of</p> <p>20 rape are under Alabama law?</p> <p>21 A. You know, I read your complaint</p> <p>22 but that's all I know it from and I</p> <p>23 wouldn't have it from my time right now.</p>	<p>1 Q. Did you ever conduct any research</p> <p>2 on Alabama law concerning rape or sexual</p> <p>3 assaults?</p> <p>4 A. No.</p> <p>5 Q. Have you ever taken a criminal law</p> <p>6 course concerning Alabama law?</p> <p>7 A. No.</p> <p>8 Q. Have you ever consulted with an</p> <p>9 attorney that has not been retained by you</p> <p>10 concerning rape or sexual assault under</p> <p>11 Alabama law?</p> <p>12 A. I think I probably am not supposed</p> <p>13 to share the contents of my conversations</p> <p>14 with my attorney in this case, correct.</p> <p>15 Q. Right. Not with your attorney in</p> <p>16 this case.</p> <p>17 MS. BOLGER: Sorry, I</p> <p>18 thought you said not with an attorney.</p> <p>19 Q. (By Mr. Ritchey) I'm trying to get</p> <p>20 anyone that you hadn't retained.</p> <p>21 A. No.</p> <p>22 Q. Have you ever had to issue a</p> <p>23 retraction for any of your articles?</p>
Page 67	Page 68
<p>1 A. What kind of issue?</p> <p>2 MS. BOLGER: You hit,</p> <p>3 Scotch, I didn't hear you. Can you do</p> <p>4 that again?</p> <p>5 MR. RITCHEY: Do you mind</p> <p>6 repeating that, Nancy?</p> <p>7 (Whereupon, requested portion was</p> <p>8 read back by court reporter.)</p> <p>9 Q. Have you ever had to issue a</p> <p>10 retraction?</p> <p>11 A. Had to issue a retraction.</p> <p>12 I've had to correct articles.</p> <p>13 Q. Okay.</p> <p>14 A. I'm not sure what -- issuing a</p> <p>15 retraction isn't really necessarily --</p> <p>16 Q. Have you ever retracted an</p> <p>17 article?</p> <p>18 A. That I wrote or that I published?</p> <p>19 Q. Either.</p> <p>20 A. Yes.</p> <p>21 Q. What article was that?</p> <p>22 MS. BOLGER: I'm going to</p> <p>23 instruct Ben not to -- answer to the</p>	<p>1 extent it's not public. If it's public,</p> <p>2 you can answer it.</p> <p>3 If it relates to newsroom</p> <p>4 information, do not answer that question</p> <p>5 unless it's the article at issue here.</p> <p>6 A. We retracted some articles that</p> <p>7 were plagiarized. They weren't entirely</p> <p>8 plagiarized, but there was plagiarism in</p> <p>9 them.</p> <p>10 Q. (By Mr. Ritchey) Who wrote those</p> <p>11 articles?</p> <p>12 A. A guy named Benny Johnson. That</p> <p>13 was when I was at BuzzFeed. You know</p> <p>14 what, actually we didn't retract them. We</p> <p>15 corrected them, I'm sorry.</p> <p>16 Nothing comes to mind that we</p> <p>17 retracted but it's not really, you know,</p> <p>18 you try to get it right and fix it. It's</p> <p>19 not always clear what's a retraction and</p> <p>20 what's a correction.</p> <p>21 Q. Okay. Have you had to retract any</p> <p>22 other article besides the ones Benny</p> <p>23 Johnson wrote?</p>

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<p style="text-align: right;">Page 69</p> <p>1 A. Again, I don't think we did, in 2 fact, retract those. I think we corrected 3 them. 4 Q. Have you had to correct any other 5 article, either written by you or as an 6 editor? 7 A. Yes, you always correct whenever 8 there's an error as quick as you can; you 9 want to get it right. 10 Q. Do you remember how many you've 11 had to correct? 12 A. Of my own articles or articles we 13 published at BuzzFeed? 14 Q. We'll start with of your own. 15 A. No. 16 Q. What about at BuzzFeed? 17 A. No, I don't remember. I don't 18 think I ever knew how many. 19 Q. Okay. Do you remember any other 20 ones besides the ones concerning Benny 21 Johnson? 22 A. Not specifically right now, but 23 it's a routine -- you routinely when you</p>	<p style="text-align: right;">Page 70</p> <p>1 get something wrong, you correct it. 2 Q. Have you ever had to issue a 3 public apology for an article you wrote? 4 MS. BOLGER: I'm going to 5 object to the form. I don't know what 6 that is. 7 But, Ben, if that's 8 meaningful to you, go ahead. 9 A. I mean everything is public that 10 you do in reporting, so there's no private 11 -- I mean, you know, but there's one 12 article that comes to mind for me that 13 that kind of describes. 14 Q. (By Mr. Ritchey) What is that 15 article? 16 A. I reported incorrectly that John 17 Edwards was planning to drop out of the 18 2007 presidential campaign based on a 19 source who had -- yeah, and that was 20 inaccurate, so I apologized and explained 21 why I had gotten it wrong. 22 Q. Do you remember what publication 23 that was for?</p>
<p style="text-align: right;">Page 71</p> <p>1 A. Politico. 2 MR. RITCHEY: It's been 3 about an hour and I'm going to sort of 4 switch topics right now, so if y'all want 5 to take a break, we can take about five or 6 ten minutes. 7 MS. BOLGER: Ben, do you 8 want to break or do you want to keep 9 going? 10 THE WITNESS: I would rather 11 just keep going if we can. I'm on a 12 deadline. 13 MR. RITCHEY: That's fine; I 14 understand. 15 THE WITNESS: Column's due 16 at the end of the day of today and I've 17 had all week so, of course, today's busy. 18 Actually, let me just get 19 some water. I'll be back in one second. 20 MS. BOLGER: Why don't we 21 take a break. We'll just go off for five 22 minutes. 23 MR. RITCHEY: That sounds</p>	<p style="text-align: right;">Page 72</p> <p>1 good. 2 VIDEOGRAPHER: We're off the 3 record at 10:38. 4 (Recess was taken.) 5 VIDEOGRAPHER: Back on the 6 record at 10:44. 7 Q. (By Mr. Ritchey) I'm going to 8 share my screen and this is a story 9 entitled BuzzFeed Defends Publishing 10 Unverified Allegations About Donald 11 Trump's Russia Ties, written by Michael 12 Calderone. 13 A. I can't see it. There it is. 14 MS. BOLGER: Scotch, we 15 can't see what you're looking at, what 16 publication this is or anything. 17 THE WITNESS: You're very 18 zoomed in. 19 MR. RITCHEY: Give me one 20 second and let me see if I can get a 21 better shot. The pdf function didn't work 22 very well. 23 MS. BOLGER: Are you marking</p>

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<p style="text-align: right;">Page 73</p> <p>1 this?</p> <p>2 MR. RITCHEY: Yes, I'll mark</p> <p>3 this.</p> <p>4 COURT REPORTER: It will be</p> <p>5 111.</p> <p>6 MR. RITCHEY: This will be</p> <p>7 111.</p> <p>8 (Whereupon, a document was marked</p> <p>9 as Plaintiff's Exhibit No. 111 and</p> <p>10 is attached to the original</p> <p>11 transcript.)</p> <p>12 Q. All right. Is that better?</p> <p>13 MS. BOLGER: I still didn't</p> <p>14 know what publication this is.</p> <p>15 MR. RITCHEY: It's the Huff</p> <p>16 Post.</p> <p>17 Q. Have you read this article?</p> <p>18 MS. BOLGER: Why don't you</p> <p>19 let him take a look at it --</p> <p>20 A. I can only see the corner of it.</p> <p>21 Q. Do you want to review it?</p> <p>22 A. I can't -- I just see a few words</p> <p>23 there on my screen.</p>	<p style="text-align: right;">Page 74</p> <p>1 Q. What I'll do is I'll scroll and if</p> <p>2 you want to read it or review it, skim it,</p> <p>3 whatever you need to do, let me know --</p> <p>4 A. I can only see the right margin of</p> <p>5 the story. All I see is a little corner</p> <p>6 of the blue photo. I don't think making</p> <p>7 my screen bigger is going to help though.</p> <p>8 Q. You can't see the whole pdf?</p> <p>9 A. No, I'm just looking at the right</p> <p>10 side of the pdf. If you center it a</p> <p>11 little bit, it might --</p> <p>12 MS. BOLGER: Funny, I can</p> <p>13 actually see the whole thing. I wonder if</p> <p>14 it's --</p> <p>15 A. I've got a few options here. Fit</p> <p>16 to window -- oh, I got it. Yeah, I see.</p> <p>17 Q. (By Mr. Ritchey) And I can scroll</p> <p>18 whenever you're ready.</p> <p>19 A. Can you scroll up? Can you scroll</p> <p>20 down now? Keep scrolling please. Could</p> <p>21 you keep scrolling please? Could you keep</p> <p>22 scrolling please? Okay.</p> <p>23 I think I understand the gist of</p>
<p style="text-align: right;">Page 75</p> <p>1 the story.</p> <p>2 Q. Okay. I'm really going to just</p> <p>3 ask about looks like you're quoted here on</p> <p>4 page 3, and I've got it highlighted.</p> <p>5 A. Yeah.</p> <p>6 Q. It says our presumption is to be</p> <p>7 transparent in our journalism and to share</p> <p>8 what we have with our readers.</p> <p>9 What did you mean -- or first of</p> <p>10 all, did you say that?</p> <p>11 A. I believe it's quoting from a memo</p> <p>12 I wrote. I don't have it in front of me</p> <p>13 but I believe that's correct.</p> <p>14 MS. BOLGER: Hold on.</p> <p>15 Scotch, I object. This story obviously</p> <p>16 has nothing to do with the story at issue</p> <p>17 in this litigation and the First Amendment</p> <p>18 law always ask you to look at the article</p> <p>19 that's actually at issue rather than other</p> <p>20 work done by a publishing company.</p> <p>21 I'm going to let Ben answer</p> <p>22 but I'm going to object for the record.</p> <p>23 Q. (By Mr. Ritchey) So you wrote this</p>	<p style="text-align: right;">Page 76</p> <p>1 quoted I guess passage in an internal</p> <p>2 memo?</p> <p>3 A. Uh-huh (affirmative).</p> <p>4 Q. And what did you mean by our</p> <p>5 presumption is to be transparent in our</p> <p>6 journalism and to share what we have with</p> <p>7 our readers?</p> <p>8 MS. BOLGER: Same objection.</p> <p>9 You can answer, Ben.</p> <p>10 A. Well, I mean every story is</p> <p>11 different and it's a little hard to -- but</p> <p>12 in this case what I was talking about was</p> <p>13 the question of whether there was a</p> <p>14 document circulating the highest level of</p> <p>15 government that had been briefed to two</p> <p>16 presidents, the president and the</p> <p>17 president-elect.</p> <p>18 I was making the case that it was</p> <p>19 appropriate to say here's an unverified</p> <p>20 document but because it's been briefed to</p> <p>21 these high government officials and it's</p> <p>22 in circulation among all of these powerful</p> <p>23 people, that it's appropriate for the</p>

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<p>1 readers to see it and to sort of</p> <p>2 understand that context even though it's</p> <p>3 -- so that's what I was talking about</p> <p>4 there.</p> <p>5 Q. (By Mr. Ritchey) Do you believe in</p> <p>6 sharing everything with readers?</p> <p>7 MS. BOLGER: Object to the</p> <p>8 form. You mean in the universe?</p> <p>9 Q. (By Mr. Ritchey) In regards to a</p> <p>10 story. Do you believe in sharing</p> <p>11 everything that's been investigated or</p> <p>12 uncovered during the writing or</p> <p>13 investigative processes of articles?</p> <p>14 MS. BOLGER: Objection.</p> <p>15 Don't talk about any particular article</p> <p>16 other than this one, but you can talk</p> <p>17 generally.</p> <p>18 A. I mean every story is different</p> <p>19 and specific. In some sense there's, you</p> <p>20 know, an infinite amount of information on</p> <p>21 every article so you're making choices</p> <p>22 about what you include and what you don't</p> <p>23 include.</p>	<p>1 Q. (By Mr. Ritchey) What do you</p> <p>2 consider in general when withholding</p> <p>3 information from readers?</p> <p>4 MS. BOLGER: Object to the</p> <p>5 form of the question.</p> <p>6 You can answer generally, if</p> <p>7 you can, but, again, any specifics have to</p> <p>8 relate to this article.</p> <p>9 THE WITNESS: To the article</p> <p>10 in front of me or to the Alabama article?</p> <p>11 MS. BOLGER: Sorry, the</p> <p>12 Alabama article.</p> <p>13 A. You know, again, these stories are</p> <p>14 very specific and very different from each</p> <p>15 other and they can be about the President</p> <p>16 of the United States or they can be about,</p> <p>17 you know, the New York City subway system</p> <p>18 or they can be about a lot of different</p> <p>19 things, and in each case the stories are</p> <p>20 really different.</p> <p>21 But in general there's basically</p> <p>22 an infinite amount of material and talk to</p> <p>23 lots of people and you are making choices</p>
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<p>1 always about what from that to include and</p> <p>2 exclude, but there's no -- it's hard to</p> <p>3 speak in general because each story is so</p> <p>4 specific.</p> <p>5 Q. (By Mr. Ritchey) Should</p> <p>6 exculpatory material be shared with</p> <p>7 readers?</p> <p>8 MS. BOLGER: Object to the</p> <p>9 form.</p> <p>10 Same instruction, Ben.</p> <p>11 A. You know, stories are so specific</p> <p>12 and you try to be as fair and as accurate</p> <p>13 as you can and include everything --</p> <p>14 include what's relevant and include what's</p> <p>15 true.</p> <p>16 Q. (By Mr. Ritchey) What's your</p> <p>17 definition of fair and accurate?</p> <p>18 A. I mean, I think those -- I hope I</p> <p>19 understand those words as other people do.</p> <p>20 I don't have a dictionary definition</p> <p>21 beyond the way they're understood --</p> <p>22 Q. What's your understanding of their</p> <p>23 meaning?</p>	<p>1 A. Let's see, I mean I guess I</p> <p>2 understand the word accurate to mean true.</p> <p>3 And I guess I just understand the word</p> <p>4 fair to mean fair.</p> <p>5 I don't have -- I mean, it's a</p> <p>6 pretty clear English word. Could you ask</p> <p>7 a more specific question?</p> <p>8 Q. Well, you just kept using these</p> <p>9 terms, and I just want to understand what</p> <p>10 your understanding of them, you know,</p> <p>11 definition and your meaning of these terms</p> <p>12 are.</p> <p>13 MS. BOLGER: Object to the</p> <p>14 form. He's answered the question. The</p> <p>15 words mean what the words mean.</p> <p>16 You can answer again if you</p> <p>17 would like, Ben.</p> <p>18 A. I'm sorry, would you like me to</p> <p>19 try again?</p> <p>20 Q. (By Mr. Ritchey) Yeah.</p> <p>21 MS. BOLGER: You can if you</p> <p>22 like. You've answered it already, but you</p> <p>23 can answer again.</p>

20 (Pages 77 to 80)



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<p>1 A. Okay. I guess I mean to me the</p> <p>2 word accurate is basically equivalent to</p> <p>3 the word true, and so that's what that</p> <p>4 means.</p> <p>5 And I guess I think I've always</p> <p>6 used the word fair in a way that I think</p> <p>7 is pretty commonly used and that's -- I've</p> <p>8 never had any trouble with people</p> <p>9 understanding it.</p> <p>10 Q. (By Mr. Ritchey) Can an article be</p> <p>11 accurate but misleading?</p> <p>12 MS. BOLGER: Object to the</p> <p>13 form.</p> <p>14 I don't understand what</p> <p>15 these questions are or what they relate to</p> <p>16 and I don't understand these questions.</p> <p>17 Ben, if you think you can</p> <p>18 answer this strange hypothetical, go</p> <p>19 ahead.</p> <p>20 A. You know, I think I would want to</p> <p>21 talk about the specific case. I mean, I'm</p> <p>22 having trouble sort of with the</p> <p>23 hypothetical.</p>	<p>1 Q. (By Mr. Ritchey) You say accurate</p> <p>2 means true and there can be --</p> <p>3 A. You could have a story in which --</p> <p>4 are you -- you're asking whether there's a</p> <p>5 story in which details could be -- I can</p> <p>6 think of an example of a story in which</p> <p>7 there were details that were true but the</p> <p>8 gist of the story was misleading.</p> <p>9 Q. Do you remember what the name of</p> <p>10 that story was?</p> <p>11 A. Should I be talking about the</p> <p>12 article that's not mentioned in this case?</p> <p>13 MS. BOLGER: No, we're not</p> <p>14 talking about articles other than this one</p> <p>15 in which you've been involved in the news</p> <p>16 gathering. If you want to talk about --</p> <p>17 A. Then no, I certainly don't think</p> <p>18 that applies to this article.</p> <p>19 Q. (By Mr. Ritchey) I mean is there</p> <p>20 an article that has been published that</p> <p>21 you think is misleading?</p> <p>22 MS. BOLGER: Object to the</p> <p>23 form.</p>
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<p>1 He's not here to talk about</p> <p>2 other articles and he won't talk about</p> <p>3 other articles published by BuzzFeed. I</p> <p>4 will not instruct him not to answer</p> <p>5 questions that relate to any article ever</p> <p>6 published by BuzzFeed other than the one</p> <p>7 at issue here.</p> <p>8 If you think something</p> <p>9 written in 19, you know, in 1885 by Herman</p> <p>10 Melville is misleading, knock yourself</p> <p>11 out, but nothing about BuzzFeed.</p> <p>12 A. Okay. The article I had in mind</p> <p>13 was not about BuzzFeed, so I should</p> <p>14 answer?</p> <p>15 MS. BOLGER: Yes.</p> <p>16 A. Yeah, there was an article in the</p> <p>17 New Yorker magazine about, for example, an</p> <p>18 article that is accurate and misleading.</p> <p>19 I have used it in that context before</p> <p>20 about a -- gosh, what was his job?</p> <p>21 He was an employee of the Internal</p> <p>22 Revenue Service who -- well, it was about</p> <p>23 -- who leaked some documents about --</p>	<p>1 about certain individual's tax returns</p> <p>2 that generated an article about -- that</p> <p>3 suggested that files were quote/unquote</p> <p>4 missing.</p> <p>5 And while the details in the story</p> <p>6 were accurate, I believed that the broad</p> <p>7 -- that the claim that files were missing</p> <p>8 was not accurate; the guy just didn't have</p> <p>9 access to them.</p> <p>10 Q. (By Mr. Ritchey) Was that Ronan</p> <p>11 Farrow?</p> <p>12 A. Yes.</p> <p>13 COURT REPORTER: What was</p> <p>14 his name?</p> <p>15 MR. RITCHEY: Ronan Farrow,</p> <p>16 F-a-r-r-o-w.</p> <p>17 A. Yes.</p> <p>18 Q. In general, should contradictions</p> <p>19 be shared with readers?</p> <p>20 A. Hang on just one second. I just</p> <p>21 realized I've got to postpone a call.</p> <p>22 Hang on. Sorry.</p> <p>23 MS. BOLGER: Object to the</p>

21 (Pages 81 to 84)



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<p>1 form.</p> <p>2 (Off the record.)</p> <p>3 A. Sorry about that. I'm back.</p> <p>4 Q. (By Mr. Ritchey) Okay.</p> <p>5 Do you want to read back that last</p> <p>6 question?</p> <p>7 (Whereupon, requested portion was</p> <p>8 read back by court reporter.)</p> <p>9 MS. BOLGER: Object to the</p> <p>10 form because I don't understand the</p> <p>11 question.</p> <p>12 Ben, if you do --</p> <p>13 A. I'm afraid I don't really</p> <p>14 understand the question.</p> <p>15 Q. (By Mr. Ritchey) If a reporter</p> <p>16 uncovers a contradiction of one source,</p> <p>17 should that be shared with readers?</p> <p>18 A. These stories are so specific and</p> <p>19 kind of detail oriented, it's really hard</p> <p>20 to -- it's hard to answer that question in</p> <p>21 general.</p> <p>22 Q. In what circumstances would</p> <p>23 contradictions not be shared with readers?</p>	<p>1 MS. BOLGER: Object to the</p> <p>2 form. And also, Ben, same instruction.</p> <p>3 A. I mean there are hundreds of</p> <p>4 different kinds of stories.</p> <p>5 (Off the record.)</p> <p>6 A. You know, I guess there are so</p> <p>7 many different types or stories and</p> <p>8 different situations that come up with</p> <p>9 stories and every single one is kind of</p> <p>10 unique so it's kind of hard to speak in</p> <p>11 general.</p> <p>12 Q. (By Mr. Ritchey) Would excluding</p> <p>13 contradictions from the story make that</p> <p>14 story inaccurate?</p> <p>15 MS. BOLGER: Object to the</p> <p>16 form.</p> <p>17 A. I think -- should I answer or no?</p> <p>18 MS. BOLGER: You can answer.</p> <p>19 A. There are many, many different</p> <p>20 types of stories in which -- and these</p> <p>21 just aren't abstract questions I mean when</p> <p>22 you come across them.</p> <p>23 (Off-the-record discussion.)</p>
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<p>1 Q. (By Mr. Ritchey) Should</p> <p>2 inconsistencies in general be shared with</p> <p>3 readers?</p> <p>4 MS. BOLGER: Object to the</p> <p>5 form. Same instruction.</p> <p>6 A. You know, there are just so many</p> <p>7 different stories and so many different</p> <p>8 types of stories and you make these</p> <p>9 decisions in the context of each story and</p> <p>10 they're not really abstract questions.</p> <p>11 Q. (By Mr. Ritchey) So it would be</p> <p>12 okay for a reporter or even an editor to</p> <p>13 withhold inconsistencies in source's</p> <p>14 stories?</p> <p>15 MS. BOLGER: Object to the</p> <p>16 form --</p> <p>17 A. Could you give me a more specific</p> <p>18 example --</p> <p>19 MS. BOLGER: -- object to</p> <p>20 the form and misstates testimony.</p> <p>21 Q. (By Mr. Ritchey) I'm just saying</p> <p>22 if a source -- if a reporter uncovers a</p> <p>23 source has inconsistencies in their</p>	<p>1 material or statements, should that be</p> <p>2 withheld from the readers?</p> <p>3 A. If you want to give me like a</p> <p>4 really specific kind of hypothetical or</p> <p>5 case, I guess I could try and decide, but</p> <p>6 these just aren't -- we kind of don't</p> <p>7 encounter these as abstract questions and</p> <p>8 it's really hard to answer that way.</p> <p>9 Q. Would there be times where</p> <p>10 withholding inconsistencies would be</p> <p>11 appropriate?</p> <p>12 MS. BOLGER: Object to the</p> <p>13 form.</p> <p>14 A. You know, these stories you just</p> <p>15 -- doing the job you do there are many,</p> <p>16 many different stories, many kinds of</p> <p>17 stories and in each story you're deciding</p> <p>18 what you do put in the story and those</p> <p>19 decisions always depend based on the</p> <p>20 actual details and what the story is</p> <p>21 about. They're not abstract questions.</p> <p>22 Q. (By Mr. Ritchey) What factors into</p> <p>23 those decisions?</p>

22 (Pages 85 to 88)

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<p>1 A. The details of the story factor 2 into the decisions. 3 Q. What do you mean by that? 4 A. Well, stories, you know, can be 5 composed of -- they can be composed of 6 public records. They can be composed of 7 interviews with people. 8 They can be composed of things 9 people have said in public, things people 10 have said on the record, things people 11 have said off the record. 12 You can talk to anywhere between 13 one and a thousand people. You can -- 14 there's just, you know, you can be 15 planning -- you can be writing something 16 that's 10,000 words long or you can be 17 writing something that's a hundred words 18 long, and those are maybe six or seven or 19 a thousand different ways the story can be 20 different. 21 And in each of those cases you 22 have to make decisions about, you know, 23 what -- in each of those cases you make a</p>	<p>1 bunch of decisions about what goes in the 2 story, but it's -- so it's -- there's no 3 real kind of general sort of -- yeah, it's 4 -- that's not really something you answer 5 in the abstract. 6 Q. (By Mr. Ritchey) No formula? 7 MS. BOLGER: Object to the 8 form. 9 A. I'm not sure I would use that 10 word. I'm not sure what it means. 11 Q. (By Mr. Ritchey) Okay. There's no 12 set of guidelines or strict standards that 13 you could follow? 14 MS. BOLGER: Object to the 15 form. Object to the form. 16 You can answer, Ben. 17 A. I mean I think many organizations, 18 including BuzzFeed, do have standards and 19 guidelines, but each story is very 20 specific and how you apply them really 21 depends a lot on the details of the story. 22 Q. (By Mr. Ritchey) I think we 23 mentioned something about Ronan Farrow</p>
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<p>1 earlier. Did you ever write a story 2 concerning him? 3 A. Yes. 4 MS. BOLGER: I'm sorry, I 5 didn't hear that. Could you just keep 6 your voice up, Scotch? I'm sorry, it's 7 technology. 8 MR. RITCHEY: Do you want me 9 to repeat that? 10 MS. BOLGER: No, I think 11 only because I figured out by Ben's 12 answer, yes. 13 Q. (By Mr. Ritchey) Okay. All right. 14 I am showing you an article written by you 15 published on May 17th, 2020, entitled Is 16 Ronan Farrow Too Good To Be True, and 17 we'll mark this as Exhibit 112. 18 (Whereupon, a document was marked 19 as Plaintiff's Exhibit No. 112 and 20 is attached to the original 21 transcript.) 22 Q. Do you need time to review this 23 article or tell me what you need --</p>	<p>1 A. I don't right now, but if you ask 2 me specific questions, I may want to 3 review some of the text. 4 Q. Okay. I'm just going to go 5 through it just a little bit, and if you 6 need some context, let me know and I'll be 7 happy to scroll up or scroll down and let 8 you have some time to review. 9 A. Thank you. 10 Q. And you did, in fact, write this 11 article; correct? 12 A. Yes. 13 Q. Go to the first one, if it doesn't 14 freeze up on me. 15 All right. I'm going to start on 16 the paragraph, it says the records were 17 simply put on restricted access. 18 Do you see that paragraph? 19 A. I know what you're talking about 20 but I don't see the paragraph. 21 MS. BOLGER: Object to the 22 form. 23 Q. (By Mr. Ritchey) I'll try to</p>

23 (Pages 89 to 92)

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<p>1 scroll it up all the way --</p> <p>2 A. I can see your cursor so if you</p> <p>3 want to put your cursor over anything I</p> <p>4 should look at. Yeah, I see it.</p> <p>5 Q. Okay. And in this paragraph you</p> <p>6 say Farrow briefly allows for it in his</p> <p>7 story but minimizes it.</p> <p>8 And I think you're referring to</p> <p>9 the records were restricted he was trying</p> <p>10 to access; is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. What did you mean when you said</p> <p>13 briefly allows for it in his story, but</p> <p>14 minimizes?</p> <p>15 A. Well, there's a quote in the story</p> <p>16 that says that that was one possibility.</p> <p>17 Q. How did he minimize that part?</p> <p>18 A. The headline uses the word</p> <p>19 missing. That was the main one, but just</p> <p>20 the whole story minimized it, but they</p> <p>21 called them missing in the headline.</p> <p>22 Q. Okay. So he mentioned that the</p> <p>23 records could have been restricted in his</p>	<p>1 article, but I'm trying to figure out how</p> <p>2 he minimized that.</p> <p>3 A. Well, the headline called them</p> <p>4 missing, and the story -- the story kind</p> <p>5 of followed the lead of the headline.</p> <p>6 Q. Is the headline important for a</p> <p>7 story?</p> <p>8 A. Yeah.</p> <p>9 Q. How so?</p> <p>10 MS. BOLGER: Object to the</p> <p>11 form.</p> <p>12 If you can answer that</p> <p>13 question, go ahead, but again, don't talk</p> <p>14 about any specific stories other than this</p> <p>15 one.</p> <p>16 A. It tells the reader what the story</p> <p>17 is about usually. That's not the only</p> <p>18 thing it can do, but one of the things.</p> <p>19 Q. (By Mr. Ritchey) What other things</p> <p>20 can it do?</p> <p>21 A. What else can a headline do? I</p> <p>22 guess people sometimes use headlines to</p> <p>23 get people interested without telling them</p>
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<p>1 what it's about.</p> <p>2 Q. Did you view Farrow's story as</p> <p>3 being problematic when he minimized that</p> <p>4 the files could be restricted access?</p> <p>5 MS. BOLGER: Object to the</p> <p>6 form.</p> <p>7 You can answer if you</p> <p>8 understand.</p> <p>9 A. I mean I wrote about it and I</p> <p>10 guess I'm in some ways more comfortable</p> <p>11 just with what I wrote than kind of trying</p> <p>12 to restate it here, but I thought the</p> <p>13 story was -- yeah, I thought the sort of</p> <p>14 central thrust of the story was wrong.</p> <p>15 Q. (By Mr. Ritchey) What do you mean</p> <p>16 by the central thrust?</p> <p>17 A. Well, it was meant to be a story</p> <p>18 about missing documents and there weren't</p> <p>19 missing documents.</p> <p>20 Q. What led you to believe that that</p> <p>21 story was meant to be about missing</p> <p>22 documents?</p> <p>23 MS. BOLGER: Object to the</p>	<p>1 form.</p> <p>2 A. Really everything in the story.</p> <p>3 The headline and all the other words in</p> <p>4 the story, or most of them.</p> <p>5 Q. (By Mr. Ritchey) All right. I'm</p> <p>6 going to direct you to a paragraph that</p> <p>7 begins because if you scratch at</p> <p>8 Mr. Farrow's reporting --</p> <p>9 A. Yeah.</p> <p>10 Q. -- do you see that one?</p> <p>11 A. Yeah.</p> <p>12 Q. In this paragraph you say he</p> <p>13 delivers narratives that are irresistibly</p> <p>14 cinematic with unmistakable heroes and</p> <p>15 villains and often omits complicating</p> <p>16 facts and inconvenient details that make</p> <p>17 them less dramatic.</p> <p>18 What were you referring to in this</p> <p>19 instance?</p> <p>20 MS. BOLGER: Object to the</p> <p>21 form.</p> <p>22 THE WITNESS: Should I</p> <p>23 answer?</p>

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<p style="text-align: right;">Page 97</p> <p>1 MS. BOLGER: If you can. If</p> <p>2 you understand how to answer, yes.</p> <p>3 A. I think I was specifically here</p> <p>4 referring to a number of things in this</p> <p>5 story. Michael Avenatti's role in the</p> <p>6 story we discussed before is a good</p> <p>7 example actually.</p> <p>8 Q. (By Mr. Ritchey) I'm sorry, what</p> <p>9 was that?</p> <p>10 A. The role of the lawyer named</p> <p>11 Michael Avenatti at the center of the</p> <p>12 story we discussed before which was</p> <p>13 omitted from the story as written and</p> <p>14 emerged later in court documents.</p> <p>15 Q. Okay. What did you mean by</p> <p>16 irresistibly cinematic?</p> <p>17 A. I guess I meant that they felt</p> <p>18 like they were from a movie.</p> <p>19 Q. How so?</p> <p>20 A. Because they had clear heroes and</p> <p>21 villains, I think is what I'm trying to</p> <p>22 say there.</p> <p>23 Q. Is there a problem with doing that</p>	<p style="text-align: right;">Page 98</p> <p>1 in journalism?</p> <p>2 MS. BOLGER: Object to the</p> <p>3 form.</p> <p>4 A. No. I think often there are clear</p> <p>5 heroes and villains and often there aren't</p> <p>6 and these things really depend very much</p> <p>7 story by story.</p> <p>8 Q. (By Mr. Ritchey) Why did you think</p> <p>9 that or did you think this was a problem</p> <p>10 in Farrow's article?</p> <p>11 A. Because he often omits</p> <p>12 complicating facts and inconvenient</p> <p>13 details that may make them less dramatic</p> <p>14 and at times doesn't follow the typical</p> <p>15 journalistic imperatives of corroboration</p> <p>16 and rigorous disclosure or suggests</p> <p>17 conspiracies that are tantalizing but</p> <p>18 can't prove -- sorry just to read from it,</p> <p>19 but I just wanted to make sure I was kind</p> <p>20 of sticking to what I did write.</p> <p>21 Q. That's fine. You said he omits</p> <p>22 complicating facts. What complicating</p> <p>23 facts did he omit?</p>
<p style="text-align: right;">Page 99</p> <p>1 A. In the story we just discussed he</p> <p>2 omitted the role of this lawyer named</p> <p>3 Michael Avenatti who had -- whose role</p> <p>4 made the story -- the sort of story of the</p> <p>5 main source's motivations much more</p> <p>6 complicated.</p> <p>7 I think he portrayed him as this</p> <p>8 sort of very straightforward whistleblower</p> <p>9 who had seen -- who had kind of seen these</p> <p>10 missing documents and reacted by blowing</p> <p>11 the whistle to Ronan Farrow, and it turned</p> <p>12 out that he had seen the tweet by Michael</p> <p>13 Avenatti and then gone and looked for the</p> <p>14 documents, which really did change the way</p> <p>15 you saw him. He later testified in court</p> <p>16 about it.</p> <p>17 Q. Do you know if Farrow knew that</p> <p>18 when he wrote his article?</p> <p>19 A. No.</p> <p>20 Q. If he did know all of that</p> <p>21 information --</p> <p>22 A. I should say I don't know now.</p> <p>23 This was a year ago, and I don't remember</p>	<p style="text-align: right;">Page 100</p> <p>1 the details of my reporting about what</p> <p>2 Ronan exactly knew when.</p> <p>3 Q. If he did know those details,</p> <p>4 should he have put them in his article?</p> <p>5 MS. BOLGER: Object to the</p> <p>6 form of the question.</p> <p>7 A. I think what I was writing here</p> <p>8 was that if he had known what happened, he</p> <p>9 wouldn't have written the article.</p> <p>10 Q. (By Mr. Ritchey) So if he knew</p> <p>11 what really happened, he shouldn't have</p> <p>12 written it at all?</p> <p>13 MS. BOLGER: Object to the</p> <p>14 form. That's not what he said.</p> <p>15 Ben, you can answer the</p> <p>16 question --</p> <p>17 A. Well, I guess I would say that if</p> <p>18 he had known here that there had been no</p> <p>19 crime committed, that there had been no</p> <p>20 missing documents, that there was nothing</p> <p>21 being kept secret, that nobody got hurt,</p> <p>22 that he shouldn't have written the</p> <p>23 article, yeah.</p>

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<p>1 Q. (By Mr. Ritchey) And you use this</p> <p>2 term rigorous disclosure. What did you</p> <p>3 mean when you wrote that?</p> <p>4 MS. BOLGER: I'm sorry,</p> <p>5 we're not there. Is that -- okay, sorry.</p> <p>6 A. Well, in this -- I mean, again,</p> <p>7 you know, these things always apply in the</p> <p>8 specific cases.</p> <p>9 I think in this story what I was</p> <p>10 specifically -- let's see what I was</p> <p>11 specifically talking about with rigorous</p> <p>12 disclosure in this story. Sorry, just</p> <p>13 give me a second.</p> <p>14 Farrow had talked to -- it was in</p> <p>15 a different case, in a sexual assault</p> <p>16 case, Farrow had talked to a friend of the</p> <p>17 victim, and this is sort of who he was</p> <p>18 hoping would corroborate her story, which</p> <p>19 is to say would confirm that she had told</p> <p>20 the similar story right around the time of</p> <p>21 the incident rather than later, and this</p> <p>22 source had not corroborated.</p> <p>23 It had been sort of a confusing</p>	<p>1 situation, but had not corroborated it and</p> <p>2 it was -- it later emerged that it was a</p> <p>3 problem for the story and it was something</p> <p>4 that -- yeah, and that's what I was</p> <p>5 writing about.</p> <p>6 Q. Okay. So I'm trying to wrap my</p> <p>7 head around what you just said, and tell</p> <p>8 me if I'm wrong and correct me if so.</p> <p>9 But you're saying that he's found</p> <p>10 another source that didn't corroborate one</p> <p>11 of his other sources; am I saying that</p> <p>12 right?</p> <p>13 A. Well, you know, there's a specific</p> <p>14 feature of reporting on sexual assault</p> <p>15 where it's really important to understand</p> <p>16 what the alleged victim was saying right</p> <p>17 around the time of the alleged assault.</p> <p>18 And it was in the course of</p> <p>19 reporting on that that he I think wasn't</p> <p>20 able to find anyone who said that right</p> <p>21 around the time of the assault that she</p> <p>22 had told the story that she later told to</p> <p>23 police and to him.</p>
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<p>1 And so I'm not sure it was the</p> <p>2 police or the prosecutors, but -- and so,</p> <p>3 yeah, that was the situation that I was</p> <p>4 writing about.</p> <p>5 Q. Should he have disclosed that</p> <p>6 information in his article?</p> <p>7 MS. BOLGER: Object to the</p> <p>8 form of the question, but you can answer.</p> <p>9 A. You know, I don't -- it was a year</p> <p>10 ago and I don't remember the exact details</p> <p>11 of what I thought he should have</p> <p>12 disclosed, but I thought at the time that</p> <p>13 there was a concern about the</p> <p>14 corroboration of her story in the sense of</p> <p>15 when -- what she had said at the time to</p> <p>16 people that he could have pushed on</p> <p>17 harder.</p> <p>18 Q. (By Mr. Ritchey) You said he</p> <p>19 doesn't always follow typical journalistic</p> <p>20 imperatives of rigorous disclosure.</p> <p>21 I mean are you saying he needed to</p> <p>22 disclose what he knew?</p> <p>23 MS. BOLGER: Object to the</p>	<p>1 form.</p> <p>2 Scotch, this article has</p> <p>3 nothing to do with this lawsuit. It's a</p> <p>4 totally different article. We're talking</p> <p>5 about totally different reporting. We're</p> <p>6 going through the same thing over and over</p> <p>7 and over again.</p> <p>8 Ben, if you can answer</p> <p>9 questions about some article you wrote</p> <p>10 about some other guy's reporting, please</p> <p>11 do so but this is getting really tedious.</p> <p>12 Answer it again, Ben.</p> <p>13 A. Sorry, could you say the question</p> <p>14 again?</p> <p>15 MR. RITCHEY: Do you mind</p> <p>16 repeating that?</p> <p>17 (Whereupon, requested portion was</p> <p>18 read back by court reporter.)</p> <p>19 A. Yeah, you know, the story is</p> <p>20 really about the details of his reporting</p> <p>21 a handful of stories, and so I mean that's</p> <p>22 what -- that's what I'm referring to</p> <p>23 there, yeah.</p>

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<p>1 Q. All right. Now, I'm going to</p> <p>2 direct you to a paragraph that starts out</p> <p>3 Mr. Farrow, 32, is not a fabulist. Do you</p> <p>4 see that right there?</p> <p>5 And you go on to say his reporting</p> <p>6 can be misleading but he doesn't make</p> <p>7 things up. Can a story be accurate and</p> <p>8 misleading at the same time?</p> <p>9 MS. BOLGER: So this is</p> <p>10 actually the fourth time you've asked that</p> <p>11 exact question.</p> <p>12 Ben, you can answer it</p> <p>13 again, but this is the last time he gets</p> <p>14 asked the question. Go ahead, Ben.</p> <p>15 A. Yeah, as I said before, and I was</p> <p>16 really -- the best specific example I have</p> <p>17 is of this story that really was rooted in</p> <p>18 the suggestion that there were missing</p> <p>19 documents, but, in fact, there were no</p> <p>20 missing documents.</p> <p>21 Q. (By Mr. Ritchey) Is there a</p> <p>22 problem with being misleading in articles?</p> <p>23 MS. BOLGER: Object to the</p>	<p>1 form.</p> <p>2 A. I mean, you're always trying to</p> <p>3 produce accurate articles for sure.</p> <p>4 That's why I wrote this piece.</p> <p>5 Q. (By Mr. Ritchey) You wanted to</p> <p>6 call him out for being misleading; is that</p> <p>7 a correct --</p> <p>8 A. I mean --</p> <p>9 MS. BOLGER: Object to the</p> <p>10 form -- object to the form of the</p> <p>11 question.</p> <p>12 You can answer, Ben.</p> <p>13 A. Yeah, I mean it's a column that</p> <p>14 kind of says what it says. I mean, I</p> <p>15 could -- I don't mean -- it doesn't -- I</p> <p>16 mean, I could read it to you, but it just</p> <p>17 sort of says what it says. Yeah, I was</p> <p>18 obviously critical of his work, that's why</p> <p>19 I wrote it.</p> <p>20 Q. (By Mr. Ritchey) Okay. You have</p> <p>21 this term here it's called resistance</p> <p>22 journalism. What is that?</p> <p>23 MS. BOLGER: Where is that?</p>
Page 107	Page 108
<p>1 MR. RITCHEY: It's in the</p> <p>2 same paragraph.</p> <p>3 MS. BOLGER: Okay, I got</p> <p>4 you. Sorry.</p> <p>5 A. What I was talking there was about</p> <p>6 a kind of journalism specifically about</p> <p>7 Donald Trump and other kind of notorious</p> <p>8 public figures, Harvey Weinstein was the</p> <p>9 other in this context, where they're so</p> <p>10 widely known, and where, you know, by the</p> <p>11 audiences of some publications so widely</p> <p>12 hated, that journalists feel like they can</p> <p>13 -- they feel like they don't have to try</p> <p>14 to be as fair and as accurate as they</p> <p>15 would in other circumstances.</p> <p>16 It's something that I hope I've</p> <p>17 never done and am very critical of.</p> <p>18 Q. (By Mr. Ritchey) Okay. And you</p> <p>19 think resistance journalism is an issue?</p> <p>20 MS. BOLGER: Object to the</p> <p>21 form. If you understand --</p> <p>22 A. As I wrote, I think it's --</p> <p>23 particularly in writing about President</p>	<p>1 Trump and about certain other public</p> <p>2 figures who the publication's audience</p> <p>3 dislikes, that it can be a real problem.</p> <p>4 Q. (By Mr. Ritchey) All right. I'm</p> <p>5 going to scroll down a little bit.</p> <p>6 I am looking at the paragraph that</p> <p>7 starts, it is impossible however to go</p> <p>8 back and answer.</p> <p>9 Do you see where I am?</p> <p>10 Do you want me to give you some</p> <p>11 time to eat?</p> <p>12 A. No, I can multitask. Sorry, I'll</p> <p>13 stop. Sorry, I just don't want my dog to</p> <p>14 eat it when I put it down.</p> <p>15 Q. Do you see where I am?</p> <p>16 A. Yeah.</p> <p>17 Q. Okay. In here you say if he had</p> <p>18 -- pretty much saying he should have taken</p> <p>19 care to show what he knew and what he</p> <p>20 didn't; is that correct?</p> <p>21 A. That is what it says, yeah.</p> <p>22 Q. And you thought he should have</p> <p>23 told the readers what he knew and what he</p>

27 (Pages 105 to 108)



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<p style="text-align: right;">Page 109</p> <p>1 didn't know; is that right?</p> <p>2 A. Yes.</p> <p>3 Q. And you use the term dramatic in</p> <p>4 the sentence after that.</p> <p>5 Can you just define that for me?</p> <p>6 A. I mean, I think in this context, I</p> <p>7 mean sort of a -- kind of as I said</p> <p>8 before, story with clear heroes and</p> <p>9 villains.</p> <p>10 You know what, actually that's not</p> <p>11 -- I'm sorry, I should correct that</p> <p>12 because that's not really what I'm talking</p> <p>13 about here.</p> <p>14 Just a simpler story basically.</p> <p>15 No, that's not quite what I'm talking</p> <p>16 about here either, I'm sorry.</p> <p>17 I'm just trying to understand the</p> <p>18 context. Can you scroll up a little bit?</p> <p>19 Q. Yeah.</p> <p>20 A. I'm sorry, I guess really -- well</p> <p>21 -- I'm talking about all the sources --</p> <p>22 you know what, the right answer is it can</p> <p>23 mean different things in different</p>	<p style="text-align: right;">Page 110</p> <p>1 context, you know, what makes a story</p> <p>2 dramatic, whether it's the kinds of</p> <p>3 characters or the narrative.</p> <p>4 And I think there are different</p> <p>5 instances in here where I'm talking about</p> <p>6 the specifics and that's what it's</p> <p>7 referring to.</p> <p>8 Q. What did you mean by dramatic in</p> <p>9 this instance in this story?</p> <p>10 A. Just in this sentence --</p> <p>11 MS. BOLGER: Object to the</p> <p>12 form. He just answered it, but you can</p> <p>13 answer again --</p> <p>14 A. Yeah, in this sentence I'm</p> <p>15 referring to a number of different</p> <p>16 specifics instances.</p> <p>17 One, the sort of, you know, the</p> <p>18 dramatic mystery of these missing files</p> <p>19 which turned out to be not much of a</p> <p>20 mystery and -- but was, you know, had this</p> <p>21 quality of making you really kind of</p> <p>22 creating suspense and making you wonder</p> <p>23 where these things went, but it just</p>
<p style="text-align: right;">Page 111</p> <p>1 turned out that wasn't really what</p> <p>2 happened.</p> <p>3 And in another case this young</p> <p>4 woman's story, which was very</p> <p>5 straightforward and where it would later</p> <p>6 emerge that she had told -- that she had</p> <p>7 after the fact changed her story and that</p> <p>8 was not -- well, it's complicated.</p> <p>9 I mean, it's detailed here in</p> <p>10 detail, but I don't totally remember and</p> <p>11 don't want to recount but that's the gist.</p> <p>12 Q. (By Mr. Ritchey) I'm going to</p> <p>13 direct you towards the bottom of this</p> <p>14 page, and it starts out it appears</p> <p>15 Mr. Farrow is making a narrative virtue of</p> <p>16 reporting liability.</p> <p>17 Do you see where I am?</p> <p>18 A. Yeah.</p> <p>19 Q. What is a narrative virtue of</p> <p>20 reporting liability?</p> <p>21 A. Saying that -- he's saying -- he</p> <p>22 talked -- he was looking -- he called</p> <p>23 people looking for people who would --</p>	<p style="text-align: right;">Page 112</p> <p>1 wondering whether women or friends she had</p> <p>2 talked to soon after the sexual assault,</p> <p>3 this was the one that wasn't reported to</p> <p>4 police and wasn't -- she didn't tell her</p> <p>5 friends about it or family.</p> <p>6 But was looking for people she had</p> <p>7 spoken to and to see if she had told that</p> <p>8 story. And what he could have said was I</p> <p>9 couldn't find anyone she spoke to, but</p> <p>10 instead he said basically well, this was</p> <p>11 such a horrible instance that she couldn't</p> <p>12 talk to anyone and tried to make the fact</p> <p>13 that he couldn't find information part of</p> <p>14 the case about how bad it was and to sort</p> <p>15 of heighten the drama, you know, by using</p> <p>16 the fact that he couldn't find the</p> <p>17 information as sort of itself as a point</p> <p>18 of how bad it was.</p> <p>19 Q. (By Mr. Ritchey) Okay. What did</p> <p>20 you see problematic with that?</p> <p>21 MS. BOLGER: Object to the</p> <p>22 form.</p> <p>23 I think he just answered,</p>

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<p>1 but you can answer again.</p> <p>2 A. Yeah, I thought it would have been</p> <p>3 more straightforward here to say I went</p> <p>4 looking for this thing and couldn't find</p> <p>5 it, rather than the fact that I couldn't</p> <p>6 find it proves the thing I thought before.</p> <p>7 Q. (By Mr. Ritchey) All right. I'm</p> <p>8 going to scroll down here, and looking at</p> <p>9 the paragraph that starts, nor does Farrow</p> <p>10 provide any proof, and then you see</p> <p>11 executives -- I'm sorry, I'm actually</p> <p>12 going to look at the one below that.</p> <p>13 It starts, but the reporting in</p> <p>14 the book does not bear that out.</p> <p>15 A. Uh-huh (affirmative).</p> <p>16 Q. Do you see that paragraph?</p> <p>17 A. Yeah.</p> <p>18 Q. And towards the end of that</p> <p>19 paragraph, you say he's using novelistic</p> <p>20 technique to make his case?</p> <p>21 A. Uh-huh (affirmative).</p> <p>22 Q. What does that mean?</p> <p>23 A. That he was -- I don't actually</p>	<p>1 remember the specific details, but he was</p> <p>2 using descriptions of people's physical</p> <p>3 posture and facial expressions to -- and</p> <p>4 he was extrapolating kind of their motives</p> <p>5 and what they were thinking from that,</p> <p>6 which you know -- yeah, that's it.</p> <p>7 Q. And did you think that was</p> <p>8 problematic?</p> <p>9 A. Well, I was quoting a woman named</p> <p>10 Anne Diebel who was criticizing that.</p> <p>11 Q. I'm sorry, where is that?</p> <p>12 A. That passage is -- there's sort of</p> <p>13 a passage where I'm quoting a writer, a</p> <p>14 private critic, and private detective</p> <p>15 named Anne Diebel who's criticizing him,</p> <p>16 and I was -- and this is in the context of</p> <p>17 explaining that she thinks.</p> <p>18 Q. Okay. Did you think he was using</p> <p>19 a novelistic technique?</p> <p>20 A. Yeah, and the objection wasn't so</p> <p>21 much that he was using a novelistic</p> <p>22 technique, but that he was specifically</p> <p>23 describing these facial expressions and</p>
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<p>1 physical gestures.</p> <p>2 You know, this was Anne's</p> <p>3 criticism of him. I think I'm -- I don't</p> <p>4 have a real strong opinion on this one.</p> <p>5 Q. Is there a reason why you included</p> <p>6 it in your story then?</p> <p>7 A. Yeah, she was -- it's a story</p> <p>8 about him and she had written -- she was</p> <p>9 an important voice on it.</p> <p>10 Q. Do you agree with her criticism?</p> <p>11 A. I agree -- I agree with some of</p> <p>12 it. I thought she made some really good</p> <p>13 points.</p> <p>14 Q. What do you agree with?</p> <p>15 A. The fundamental point she was</p> <p>16 making was that Farrow had said, had</p> <p>17 really indicated that -- it's the quote</p> <p>18 right above, but he indicated that NBC was</p> <p>19 essentially being blackmailed by Harvey</p> <p>20 Weinstein.</p> <p>21 The allegation here is that Harvey</p> <p>22 Weinstein knew about Matt Lauer's misdeeds</p> <p>23 and was blackmailing NBC News and there</p>	<p>1 really just wasn't evidence of that. That</p> <p>2 was her core contention.</p> <p>3 Q. I'm going to scroll down a little</p> <p>4 to the next page. All right.</p> <p>5 And I am looking at the paragraph</p> <p>6 that starts with the essence of those</p> <p>7 responses.</p> <p>8 Do you see where I am?</p> <p>9 A. Yeah. Just give me a second here.</p> <p>10 MS. BOLGER: Let Ben</p> <p>11 understand what you're talking about --</p> <p>12 A. No, I understand.</p> <p>13 Q. (By Mr. Ritchey) Are you good?</p> <p>14 A. Uh-huh (affirmative).</p> <p>15 Q. Okay. You said that the essence</p> <p>16 of these responses the first legalistic in</p> <p>17 a misleading way.</p> <p>18 What did you mean by that?</p> <p>19 MS. BOLGER: Object to the</p> <p>20 form.</p> <p>21 There's a whole sentence</p> <p>22 there, but, Ben, if you think it can be</p> <p>23 broken up, go ahead.</p>

29 (Pages 113 to 116)

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<p>1 A. Yeah, hold on.</p> <p>2 Could you scroll up a little bit?</p> <p>3 I was saying that he had spun these -- he</p> <p>4 had in public spun this conspiracy about</p> <p>5 Hillary Clinton trying to kill his story.</p> <p>6 And then when he got called on it</p> <p>7 he said he had never really said it, which</p> <p>8 I considered legalistic.</p> <p>9 And in the second case it was he</p> <p>10 was sort of -- he was kind of saying well,</p> <p>11 this is how -- she was saying he recounts</p> <p>12 his own experiences which is sort of to</p> <p>13 say well, I don't know -- like, these were</p> <p>14 my feelings and that he was kind of</p> <p>15 accusing Hillary Clinton of doing this</p> <p>16 stuff based on the fact that that was his</p> <p>17 sort of feeling as opposed to fact.</p> <p>18 Q. (By Mr. Ritchey) Should his</p> <p>19 feeling have been included in his article?</p> <p>20 MS. BOLGER: Object to the</p> <p>21 form.</p> <p>22 A. It depends a lot on -- I'll say</p> <p>23 yeah, yeah. Just -- yeah, sure.</p>	<p>1 Q. (By Mr. Ritchey) And why so?</p> <p>2 A. Well, I mean, as I said, every --</p> <p>3 you know, kind of every piece of</p> <p>4 journalism is different, but in this case</p> <p>5 it was a long book about, you know, that</p> <p>6 was partly about these stories and partly</p> <p>7 about his life so it was normal for him to</p> <p>8 include his feelings.</p> <p>9 Q. Were you critical that he included</p> <p>10 his feelings in this story?</p> <p>11 A. Not in this place, no, that's not</p> <p>12 what I'm saying here.</p> <p>13 Q. In the article as a whole were you</p> <p>14 critical for him including his own</p> <p>15 experiences?</p> <p>16 A. You know, if there's a spot in the</p> <p>17 article where you think I am, feel free to</p> <p>18 point me to it.</p> <p>19 I mean I think here the issue was</p> <p>20 that he was trying to kind of say that his</p> <p>21 feeling was proof of something.</p> <p>22 Q. And is there a problem with doing</p> <p>23 that?</p>
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<p>1 MS. BOLGER: Object to the</p> <p>2 form.</p> <p>3 A. You know, in this specific case he</p> <p>4 didn't really have evidence so that was</p> <p>5 the problem.</p> <p>6 Q. (By Mr. Ritchey) And then in this</p> <p>7 last sentence it starts, instead</p> <p>8 Mr. Farrow told us what he wanted to</p> <p>9 believe about the way power works and now</p> <p>10 it seems he and his publicity team are not</p> <p>11 even pretending to know if it's true.</p> <p>12 What were you trying to convey in</p> <p>13 that sentence?</p> <p>14 A. That he believed --</p> <p>15 MS. BOLGER: Object to the</p> <p>16 form.</p> <p>17 THE WITNESS: Should I</p> <p>18 answer?</p> <p>19 MS. BOLGER: Yeah, you can</p> <p>20 answer.</p> <p>21 A. I'm saying there that he believed</p> <p>22 that Hillary Clinton -- that he believed</p> <p>23 based on his beliefs that Hillary Clinton</p>	<p>1 was pulling strings on behalf of Harvey</p> <p>2 Weinstein, but he didn't have any evidence</p> <p>3 for it.</p> <p>4 Q. (By Mr. Ritchey) On this last page</p> <p>5 it talks about you having stock options in</p> <p>6 BuzzFeed?</p> <p>7 A. Yes.</p> <p>8 Q. Do you see where I'm talking</p> <p>9 about?</p> <p>10 MS. BOLGER: I don't.</p> <p>11 MR. RITCHEY: It starts in</p> <p>12 this paragraph says I'm writing for the</p> <p>13 Times.</p> <p>14 MS. BOLGER: I got you.</p> <p>15 Thanks.</p> <p>16 Q. (By Mr. Ritchey) It's under that</p> <p>17 disclosure.</p> <p>18 What kind of stock options did you</p> <p>19 have?</p> <p>20 MS. BOLGER: Object to the</p> <p>21 form. I'm not sure how that's possibly --</p> <p>22 A. Yeah, I don't know technically how</p> <p>23 you would -- I'm not an expert. I think</p>

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<p>1 of them as being called stock options.</p> <p>2 Q. (By Mr. Ritchey) Okay. You wrote</p> <p>3 you had stock options. What were your --</p> <p>4 what was your understanding of those</p> <p>5 words?</p> <p>6 A. An option to purchase stock in the</p> <p>7 company, yeah.</p> <p>8 Q. Did you ever exercise that option?</p> <p>9 A. At an earlier point I did, yeah.</p> <p>10 Not those options, yeah. Sorry, it's not</p> <p>11 -- I don't know the jargon of this that</p> <p>12 well.</p> <p>13 Q. I'm sorry, I'm just not following.</p> <p>14 If you could just explain.</p> <p>15 A. Yeah, it's a way that employees at</p> <p>16 certain kinds of companies are compensated</p> <p>17 which is that you can -- you're given an</p> <p>18 option to buy stock in the company.</p> <p>19 It expires after a certain period</p> <p>20 of time and in private companies sometimes</p> <p>21 you don't buy them because you can't sell</p> <p>22 them because --</p> <p>23 Q. Did you ever buy --</p>	<p>1 A. -- they're not publicly traded.</p> <p>2 Q. Did you ever buy stock in</p> <p>3 BuzzFeed?</p> <p>4 A. Yeah, I can't remember the year,</p> <p>5 but at one point I exercised other options</p> <p>6 at BuzzFeed, yeah, and then sold it.</p> <p>7 Q. When did you sell it?</p> <p>8 A. I would have to check. It was</p> <p>9 before 2017, or before 2018 let's say. A</p> <p>10 while ago.</p> <p>11 Q. You say you agreed to divest those</p> <p>12 options by the end of the year in this</p> <p>13 article.</p> <p>14 What does that mean?</p> <p>15 A. It meant that I would -- I had</p> <p>16 discussed with the Times selling them or,</p> <p>17 yeah, getting rid of them in some way by</p> <p>18 the end of the year.</p> <p>19 Q. Okay.</p> <p>20 MR. RITCHEY: We lost Kate.</p> <p>21 THE WITNESS: I'm on my own</p> <p>22 here --</p> <p>23 MS. BOLGER: I'm here, I'm</p>
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<p>1 here, I'm here. I just had an internet</p> <p>2 glitch, so I killed my video, but I'm</p> <p>3 here.</p> <p>4 MR. RITCHEY: I just wanted</p> <p>5 to make sure we didn't lose you.</p> <p>6 MS. BOLGER: I wouldn't</p> <p>7 leave Ben. Although, I'm sure sometimes</p> <p>8 he would like me to.</p> <p>9 Q. (By Mr. Ritchey) Did you have any</p> <p>10 stock in BuzzFeed prior to when the</p> <p>11 article was published?</p> <p>12 A. This article that I'm looking at?</p> <p>13 Q. I'm sorry, the article written by</p> <p>14 Katie Baker involved in this lawsuit.</p> <p>15 A. I mean, I had options. I don't</p> <p>16 think I really held stock in BuzzFeed at</p> <p>17 any point, but options are a form of --</p> <p>18 they're a valuable thing.</p> <p>19 Q. How is their value determined if</p> <p>20 you know?</p> <p>21 A. I'm not enough of an expert to</p> <p>22 explain it honestly.</p> <p>23 Q. How would they --</p>	<p>1 A. They're tied to the value of the</p> <p>2 company and whether anybody wants to buy</p> <p>3 it.</p> <p>4 Q. So as the value of the company</p> <p>5 goes up, your value in stock options goes</p> <p>6 up?</p> <p>7 A. Yeah, basically, I think.</p> <p>8 Q. All right. And then in this next</p> <p>9 paragraph starts out, and I found more</p> <p>10 recently.</p> <p>11 A. Yeah.</p> <p>12 Q. You go on to say when I dug into</p> <p>13 the Cohen story that for all of</p> <p>14 Mr. Farrow's attractions to screen-play</p> <p>15 narratives, he missed one that was made</p> <p>16 for this moment.</p> <p>17 What did you mean by his</p> <p>18 attraction to screen-play narratives?</p> <p>19 A. I think I meant what I meant when</p> <p>20 I was talking about the cinematic stuff</p> <p>21 before. Basically stories that lent</p> <p>22 themselves to telling on television or in</p> <p>23 movies.</p>

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<p>1 Q. All right. And then I'm going to</p> <p>2 start, you know, kind of referring to the</p> <p>3 article more specifically now, but I still</p> <p>4 have a little couple of general</p> <p>5 questions --</p> <p>6 A. I'm not -- I'm not trying to rush</p> <p>7 you at all, but just for my information</p> <p>8 how much longer do you think we've got?</p> <p>9 Q. I wish I could give you a good</p> <p>10 answer. I've got, you know, a little bit</p> <p>11 to go so I can't give you a definite time</p> <p>12 --</p> <p>13 A. I'm going to push my 1:30 a little</p> <p>14 later. And actually, can I just have two</p> <p>15 minutes to eat my sandwich?</p> <p>16 MR. RITCHEY: Yeah, we'll</p> <p>17 just take a quick break. I'm going to</p> <p>18 start changing topics anyway.</p> <p>19 VIDEOGRAPHER: Off the</p> <p>20 record at 11:41.</p> <p>21 (Recess was taken.)</p> <p>22 VIDEOGRAPHER: Back on the</p> <p>23 record at 11:46 a.m.</p>	<p>1 Q. (By Mr. Ritchey) Did you hire</p> <p>2 Katie Baker?</p> <p>3 A. I'm not sure if -- I was, you</p> <p>4 know, ultimately responsible for all the</p> <p>5 hiring in the newsroom.</p> <p>6 Q. Did you ever meet Katie Baker</p> <p>7 before she was hired?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know about how many times?</p> <p>10 A. No, I don't remember.</p> <p>11 Q. Was there any reason for hiring</p> <p>12 her?</p> <p>13 MS. BOLGER: Object to the</p> <p>14 form of the question.</p> <p>15 You can answer if you</p> <p>16 understand it.</p> <p>17 A. I mean, you hire people because</p> <p>18 you think they're good reporters.</p> <p>19 Specifically another journalist named</p> <p>20 Rosie Gray had introduced us or had</p> <p>21 recommended her.</p> <p>22 Q. (By Mr. Ritchey) Did you think</p> <p>23 Katie Baker was a good reporter?</p>
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<p>1 A. I don't recall what I thought at</p> <p>2 the time. I assume I did because I hired</p> <p>3 her.</p> <p>4 Q. Do you remember anything specific</p> <p>5 that led to her hiring?</p> <p>6 A. I remember that Rosie Gray had</p> <p>7 recommended her.</p> <p>8 Q. Who is Rosie Gray?</p> <p>9 A. She's a reporter who's at BuzzFeed</p> <p>10 still -- or back at BuzzFeed.</p> <p>11 Q. Do you know of any stories Katie</p> <p>12 wrote that were not investigative reports?</p> <p>13 MS. BOLGER: Object to the</p> <p>14 form of the question.</p> <p>15 You can answer, Ben, if you</p> <p>16 understand what it means.</p> <p>17 A. You know, there's not -- there's</p> <p>18 not a -- these stories are all specific</p> <p>19 and don't fall into kind of narrow buckets</p> <p>20 so I'm trying -- you know what, I believe</p> <p>21 she wrote an opinion column for the New</p> <p>22 York Times once that she certainly</p> <p>23 wouldn't call an investigative report.</p>	<p>1 I'm sure she, you know, people</p> <p>2 write all sorts of things and there aren't</p> <p>3 kind of neat boxes that articles go on,</p> <p>4 but that's a good example of one, an</p> <p>5 opinion piece.</p> <p>6 Q. (By Mr. Ritchey) Did many of Katie</p> <p>7 Baker's or do you know of how many, if at</p> <p>8 all, of her stories involve some sort of</p> <p>9 investigation?</p> <p>10 A. I couldn't give you a percentage.</p> <p>11 Q. Did many of them involve</p> <p>12 investigating?</p> <p>13 MS. BOLGER: Object to the</p> <p>14 form.</p> <p>15 A. You know, I can think of some that</p> <p>16 did but I just don't have a comprehensive</p> <p>17 list in my head.</p> <p>18 Q. (By Mr. Ritchey) Was she known for</p> <p>19 investigative reporting?</p> <p>20 A. Yes.</p> <p>21 MS. BOLGER: Object to the</p> <p>22 form.</p> <p>23 A. Yes.</p>

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<p style="text-align: right;">Page 129</p> <p>1 Q. (By Mr. Ritchey) Did she have any 2 type of beat while working for BuzzFeed? 3 A. She was on our investigations team 4 most recently and before that was on our 5 national desk, and I don't remember the 6 specifics of what her sort of -- and I'm 7 trying to remember where she was before 8 that. Yeah, I don't -- those were the two 9 I remember. 10 Q. (By Mr. Ritchey) Do you know if 11 she had any specific beat she wrote about? 12 MS. BOLGER: Objection. 13 That's literally the same question. He 14 just answered it. 15 If you want to answer it 16 again, you can. 17 MR. RITCHEY: I don't think 18 he answered it, and I'm just trying to get 19 an answer. 20 A. I just don't remember what 21 specifically her assignment was. 22 Q. That's fine. 23 Have you ever told Katie Baker</p>	<p style="text-align: right;">Page 130</p> <p>1 that her stories were not getting enough 2 views, shares, impressions or clicks? 3 A. No. You know, you know, I don't 4 think so. But, again, I had lots of 5 conversations with lots of people over 6 eight years so I could be failing to 7 remember. 8 Q. Have you ever told anyone or any 9 reporter at BuzzFeed that their stories 10 were not getting enough views, shares, 11 impressions, or clicks? 12 A. I wouldn't have ever said it quite 13 that way, but certainly, you know, I would 14 be concerned about stories that nobody was 15 reading, sure. 16 Q. How would you say it? 17 A. It would really depend on the 18 specifics, but, I mean, I might say, you 19 know, looks like people aren't that 20 interested in this team or whatever. 21 I mean, let's try to write about 22 something people are more interested in 23 but, you know, it's always specific.</p>
<p style="text-align: right;">Page 131</p> <p>1 I wasn't going around saying these 2 things in the abstract. 3 Q. Okay. Was it important for 4 stories to have, you know, a large amount 5 of views, shares, impressions, or clicks? 6 MS. BOLGER: Object to the 7 form. 8 A. Those are four different things or 9 maybe -- yeah, I don't even know what 10 clicks are really -- you know, actually I 11 do. 12 Yeah, those are different things. 13 You know, I would say, yeah, it's really 14 -- I mean, we all want our stories to be 15 read by people and so I think we always 16 were trying to think about, you know, we 17 think is a really important story or we 18 think this is a really entertaining story 19 or we think, you know, we think people 20 would like to know this, that's why you're 21 doing the story, so, yeah, you absolutely 22 always want people to read it. 23 And those are kind of in some ways</p>	<p style="text-align: right;">Page 132</p> <p>1 different ways of measuring whether people 2 are interested in reading it. 3 Q. When did you first hear that Katie 4 Baker was investigating or writing about 5 the Rondini rape allegations? 6 A. I don't remember. 7 Q. Can you ballpark it for me? 8 A. No. 9 Q. Did you know about it before the 10 article was published? 11 A. I believe you showed me the email 12 in which I commented on the headline 13 before it was published, so I must have, 14 yeah, based on that, but I don't really 15 have any independent memory of it. 16 Sorry, correction, you didn't show 17 me the email. My counsel showed me the 18 email before this. 19 Q. Okay. 20 MS. BOLGER: Don't tell him 21 too much more about what we talked about 22 -- or anything more we talked -- 23 A. And then she told me to say -- no.</p>

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<p>1 Q. (By Mr. Ritchey) I'm just going to 2 try to run through just a few things just 3 to see if we can refresh your recollection 4 so just let me know if you don't remember 5 or whatever. 6 But did Katie Baker ever pitch the 7 story to you? 8 A. I was shown an email, but I just 9 don't remember when it was from. I don't 10 remember. 11 Q. Do you remember what that email 12 said? 13 A. You know, I read it either this 14 week and I ought to remember but I do not. 15 Q. Do you remember who was on that 16 email? 17 A. Me and Katie Baker. But, again, 18 now I'm doubting whether that email was 19 before or after publication, so I'm not 20 being very useful here. 21 Q. Okay. 22 A. But I assume you have it and I'm 23 happy to refresh my memory if you want to</p>	<p>1 show me some documents. 2 Q. We may get to that in a little 3 bit. Do you know if she pitched that 4 story to anyone else at BuzzFeed? 5 A. I don't know. I mean, I assume 6 yeah, we had a pitching process -- 7 MS. BOLGER: Don't assume. 8 Don't assume. 9 A. -- so I -- oh, okay. No. 10 Q. (By Mr. Ritchey) Can you tell me 11 the extent of your involvement in the 12 article? 13 A. You know, I really don't recall 14 it. 15 Q. Did you help write the article? 16 A. Not that I recall. 17 Q. Did you help edit the article? 18 A. Not that I recall. 19 Q. Did you ever review the article 20 before publication? 21 A. Based on the email I was shown 22 this week, I believe I did. 23 Q. Did anyone ever consult you for</p>
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<p>1 any editing purposes -- 2 A. Did we lose, Scotch? There you 3 are. 4 COURT REPORTER: Looks like 5 maybe Kate froze. 6 MS. BOLGER: I'm here. I 7 just was standing still like a statute. 8 Q. (By Mr. Ritchey) Did anyone ever 9 consult you for editing purposes related 10 to the article? 11 A. Based on that email I saw it, it 12 sounds like they were asking me about the 13 headline? Or was that an email? Based on 14 some documents I saw in preparation for 15 this. 16 Q. Do you remember -- 17 MS. BOLGER: Don't assume. 18 Neither Scotch nor I want you to assume. 19 A. Then I don't remember. 20 Q. (By Mr. Ritchey) But you don't 21 remember anyone specifically coming to you 22 in person -- 23 A. No.</p>	<p>1 Q. -- asking you -- okay. 2 Were you ever kept in the loop 3 concerning the progress of the article? 4 MS. BOLGER: Object to the 5 form. 6 A. I don't remember. 7 Q. (By Mr. Ritchey) Would that be 8 something you normally would be? 9 A. It varied a lot based on -- yeah, 10 it varied a lot story to story. 11 Q. Would you get updates from time to 12 time about the stories that were being 13 written in BuzzFeed News? 14 A. Just totally varied based on the 15 different stories and the different 16 editors. 17 Q. Could you view drafts of the 18 article? 19 A. I don't remember. 20 Q. Did you ever have -- do you have 21 access to the Google document that related 22 to the article? 23 A. Do I now?</p>

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<p>1 Q. And did you?</p> <p>2 A. I don't remember.</p> <p>3 Q. Is that something normally you</p> <p>4 would have access to?</p> <p>5 A. Just depended a lot article to</p> <p>6 article what people shared with me.</p> <p>7 Q. Did you suggest any changes on the</p> <p>8 article?</p> <p>9 A. I was shown an email that</p> <p>10 suggested -- that showed I suggested a</p> <p>11 change to a different headline.</p> <p>12 Q. And the way I understand how</p> <p>13 Google documents works it seems to be that</p> <p>14 there's one document that multiple people</p> <p>15 can either edit or suggest changes to; is</p> <p>16 that your understanding as well?</p> <p>17 A. Yes.</p> <p>18 Q. Could you see that or did you have</p> <p>19 access to that document?</p> <p>20 A. I don't remember.</p> <p>21 Q. If you wanted to see that</p> <p>22 document, could you get access to it?</p> <p>23 A. I mean I could have asked or</p>	<p>1 somebody could have shared it with me. I</p> <p>2 didn't have access -- I didn't have like</p> <p>3 privileges to go into things that people</p> <p>4 didn't share.</p> <p>5 Q. Do you ever remember viewing any</p> <p>6 suggestions or edits that were made in the</p> <p>7 Google document?</p> <p>8 A. I don't remember.</p> <p>9 Q. Do you consider the article an</p> <p>10 investigative report?</p> <p>11 A. Yeah.</p> <p>12 Q. And in your own terms what is an</p> <p>13 investigative report?</p> <p>14 A. Well, I wouldn't say it's a</p> <p>15 clearly defined category and I've said,</p> <p>16 you know, good journalism at some level is</p> <p>17 investigative.</p> <p>18 It's finding out facts that were</p> <p>19 not previous, you know, large or small</p> <p>20 that weren't previously known or reported.</p> <p>21 Q. In your own words what's the</p> <p>22 article about?</p> <p>23 MS. BOLGER: Objection. The</p>
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<p>1 article speaks for itself.</p> <p>2 Ben, you can answer.</p> <p>3 A. Yeah, could I take a look at it?</p> <p>4 I just want to refresh my memory. Would</p> <p>5 you mind showing it to me?</p> <p>6 Q. (By Mr. Ritchey) Yeah. Give me</p> <p>7 one second.</p> <p>8 All right. I am showing the</p> <p>9 article that's the subject of this lawsuit</p> <p>10 and -- do you think this has been marked</p> <p>11 before?</p> <p>12 MS. BOLGER: You're more</p> <p>13 accurately showing him a printout of the</p> <p>14 article, but yes.</p> <p>15 MR. RITCHEY: Printout of</p> <p>16 the article.</p> <p>17 Kate, do you want to re-mark</p> <p>18 this?</p> <p>19 MS. BOLGER: Didn't we mark</p> <p>20 it?</p> <p>21 MR. RITCHEY: I think we</p> <p>22 have. I can't remember what exhibit it is</p> <p>23 though.</p>	<p>1 COURT REPORTER: I'm sorry,</p> <p>2 I don't know off the top of my head</p> <p>3 either.</p> <p>4 MS. BOLGER: We actually</p> <p>5 marked it as part of the complaint as</p> <p>6 Exhibit 10. Do you want to just do that?</p> <p>7 MR. RITCHEY: Why don't we</p> <p>8 just go ahead and re-mark it?</p> <p>9 MS. BOLGER: Okay.</p> <p>10 COURT REPORTER: It will be</p> <p>11 113.</p> <p>12 MR. RITCHEY: This will be</p> <p>13 Exhibit 113.</p> <p>14 (Whereupon, a document was marked</p> <p>15 as Plaintiff's Exhibit No. 113 and</p> <p>16 is attached to the original</p> <p>17 transcript.)</p> <p>18 Q. Ben, let me know where you want to</p> <p>19 go and I'll be happy to take you there.</p> <p>20 A. I'm looking at it.</p> <p>21 And, sorry, the question -- I</p> <p>22 think the question is what's the story</p> <p>23 about?</p>

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<p>1 Q. Correct.</p> <p>2 A. It's a story about a college</p> <p>3 student who accused a powerful guy of rape</p> <p>4 and really the sequence of events that</p> <p>5 happened after that leading up to her</p> <p>6 suicide.</p> <p>7 Q. And how is law enforcement</p> <p>8 portrayed in this article?</p> <p>9 MS. BOLGER: Object to the</p> <p>10 form.</p> <p>11 A. What do you mean?</p> <p>12 Q. (By Mr. Ritchey) What's your</p> <p>13 perception of the law enforcement involved</p> <p>14 in these investigations and allegations</p> <p>15 that's written about in the article?</p> <p>16 MS. BOLGER: Object to the</p> <p>17 form. It's not --</p> <p>18 A. I mean, I don't have any --</p> <p>19 MS. BOLGER: -- about what</p> <p>20 Ben thinks the article says. The article</p> <p>21 says what the article says.</p> <p>22 Ben, you can testify what</p> <p>23 your reaction is.</p>	<p>1 A. So I'm confused. You're asking me</p> <p>2 to just literally read what the article</p> <p>3 says?</p> <p>4 Q. (By Mr. Ritchey) No, I'm asking</p> <p>5 just your reaction to what law enforcement</p> <p>6 did according to the article or didn't do</p> <p>7 according to the article?</p> <p>8 A. I mean, I guess I just don't have</p> <p>9 the article committed to memory. I can</p> <p>10 start at the top and go through it. I</p> <p>11 mean, it says they spoke to the victim.</p> <p>12 MS. BOLGER: Scotch, surely</p> <p>13 you don't want him to read the whole</p> <p>14 article while we sit here.</p> <p>15 A. It says they concluded that no</p> <p>16 rape occurred and that they started</p> <p>17 building a case against Megan.</p> <p>18 MS. BOLGER: I don't see</p> <p>19 where you are because I can only see one</p> <p>20 screen.</p> <p>21 THE WITNESS: Sorry, I</p> <p>22 opened another window --</p> <p>23 MS. BOLGER: Scotch, you've</p>
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<p>1 got to scroll.</p> <p>2 Ben, don't do that. Sorry,</p> <p>3 I'm telling you what to do based on what</p> <p>4 Scotch is doing.</p> <p>5 THE WITNESS: Sorry.</p> <p>6 Yeah, if you wouldn't mind</p> <p>7 just scrolling -- you know, I don't -- I</p> <p>8 feel like --</p> <p>9 MS. BOLGER: Let him --</p> <p>10 COURT REPORTER: I'm sorry,</p> <p>11 I can't --</p> <p>12 MS. BOLGER: All right, Ben,</p> <p>13 stop for a second.</p> <p>14 Scotch, why don't you ask</p> <p>15 the pending question again and then Ben</p> <p>16 answer the question rather than scrolling.</p> <p>17 MR. RITCHEY: Do you mind</p> <p>18 repeating?</p> <p>19 (Whereupon, requested portion was</p> <p>20 read back by court reporter.)</p> <p>21 MS. BOLGER: I object to the</p> <p>22 form of that question.</p> <p>23 Ben, if you have an answer</p>	<p>1 that's --</p> <p>2 A. Yeah, I don't think I really -- I</p> <p>3 mean, I think I describe, you know, a</p> <p>4 number of different things law enforcement</p> <p>5 did and they're in the article.</p> <p>6 Q. (By Mr. Ritchey) Do you believe</p> <p>7 the article is fully accurate and fair?</p> <p>8 A. You know, I wasn't involved in the</p> <p>9 reporting and I don't have any kind of</p> <p>10 independent access to the details, but I</p> <p>11 have just total confidence in Katie Baker</p> <p>12 and her editors to get this kind of thing</p> <p>13 right.</p> <p>14 Q. Do you know if any part of the</p> <p>15 article was false?</p> <p>16 A. Again, I don't have any</p> <p>17 independent sort of access to the</p> <p>18 information in Tuscaloosa, but based on,</p> <p>19 you know, both Katie Baker and the very</p> <p>20 experienced editors she worked with and</p> <p>21 their kind of careers of really great</p> <p>22 journalism, I have no doubt that what they</p> <p>23 say is accurate is, in fact, accurate.</p>

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<p>1 Q. Do you know of any part of the</p> <p>2 article that is misleading?</p> <p>3 A. So I don't again have any -- you</p> <p>4 know, I don't have any independent</p> <p>5 knowledge of the situation and the people</p> <p>6 involved.</p> <p>7 And so what I can go on is how</p> <p>8 well I know the journalists involved, and</p> <p>9 so based on that I really have a lot of</p> <p>10 confidence and total confidence that they</p> <p>11 got it right.</p> <p>12 Q. Did you review any material that</p> <p>13 was gathered during the investigative</p> <p>14 process of this article?</p> <p>15 A. Not that I recall.</p> <p>16 Q. Could you have reviewed this</p> <p>17 material?</p> <p>18 A. Which material?</p> <p>19 Q. Any material that Katie Baker or</p> <p>20 anyone else gathered during the</p> <p>21 investigation of these Rondini</p> <p>22 allegations?</p> <p>23 A. Yeah, I could -- as the</p>	<p>1 editor-in-chief I could certainly get</p> <p>2 involved in stories and get into the</p> <p>3 details.</p> <p>4 Q. Do you know if Katie Baker left</p> <p>5 out any material that she gathered in the</p> <p>6 article?</p> <p>7 A. You know, I just really wasn't</p> <p>8 involved in the reporting, writing,</p> <p>9 editing of the article so I just don't</p> <p>10 know.</p> <p>11 Q. Did you decide to not be involved</p> <p>12 based on the experience of Katie Baker and</p> <p>13 the editors on the article?</p> <p>14 A. No. You know, on any given day,</p> <p>15 week or month we were doing a lot of</p> <p>16 different things, and I think there were</p> <p>17 different reasons organizationally why</p> <p>18 different people would be involved in</p> <p>19 different stories. I don't think there</p> <p>20 was any -- yeah.</p> <p>21 Q. I believe you said you actually</p> <p>22 have read the article; is that right?</p> <p>23 A. Yes.</p>
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<p>1 Q. Did you view the clips in the</p> <p>2 article?</p> <p>3 A. No. The video clips you mean?</p> <p>4 Q. That's right.</p> <p>5 A. No.</p> <p>6 Q. You never played them?</p> <p>7 A. I don't remember playing them. I</p> <p>8 haven't this week, and I don't recall if I</p> <p>9 did, you know, years ago.</p> <p>10 Q. Prior to the publication of the</p> <p>11 article, did you have a conversation with</p> <p>12 anyone other than your attorneys that</p> <p>13 concerned the article or the drafting</p> <p>14 process of the article?</p> <p>15 A. I was shown some emails this week</p> <p>16 that showed that I did, but other than</p> <p>17 that I just don't know and have any memory</p> <p>18 of it.</p> <p>19 Q. You don't remember any specific</p> <p>20 conversations?</p> <p>21 A. No.</p> <p>22 Q. What about after publication?</p> <p>23 And, again, I don't want to know about</p>	<p>1 anything you discussed with your</p> <p>2 attorneys.</p> <p>3 A. What all I remember are</p> <p>4 conversations involving this case with my</p> <p>5 attorneys.</p> <p>6 Q. Okay. Did you ever discuss with</p> <p>7 anyone about adding information to the</p> <p>8 article?</p> <p>9 A. I don't remember that.</p> <p>10 MS. BOLGER: Object to the</p> <p>11 form.</p> <p>12 A. You mean after it was published?</p> <p>13 Q. (By Mr. Ritchey) At any point.</p> <p>14 A. I don't remember doing that, no.</p> <p>15 Q. Did you ever think the article</p> <p>16 should be corrected?</p> <p>17 A. No.</p> <p>18 Q. Did you ever think the article</p> <p>19 should be retracted?</p> <p>20 A. No.</p> <p>21 Q. Why not?</p> <p>22 MS. BOLGER: Object to the</p> <p>23 form.</p>

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<p style="text-align: right;">Page 149</p> <p>1 Answer what you know, but if</p> <p>2 what you know is based on a conversation</p> <p>3 with an attorney, and I have no idea</p> <p>4 whether it is or isn't, don't answer it.</p> <p>5 But if you have independent knowledge,</p> <p>6 feel free to give it.</p> <p>7 A. So I don't really have any</p> <p>8 knowledge beyond our discussions in this</p> <p>9 case and my read of your complaint of the</p> <p>10 sort of independent details of the story.</p> <p>11 All I know is that it was done by,</p> <p>12 you know, really experienced, capable</p> <p>13 journalists and I'm really confident it's</p> <p>14 accurate.</p> <p>15 Q. (By Mr. Ritchey) What is your</p> <p>16 knowledge about the experience of Katie</p> <p>17 Baker?</p> <p>18 A. I know that she's -- I mean, I</p> <p>19 know that I worked with her on major</p> <p>20 investigations, and particularly the one</p> <p>21 that sticks in my mind is the World</p> <p>22 Wildlife Federation and that she's a</p> <p>23 really good reporter.</p>	<p style="text-align: right;">Page 150</p> <p>1 Q. (By Mr. Ritchey) You said the</p> <p>2 worldwide --</p> <p>3 A. I'm sorry the World Wildlife</p> <p>4 Federation, the one with the panda logo.</p> <p>5 MS. BOLGER: Not the</p> <p>6 wrestlers.</p> <p>7 MR. RITCHEY: I'm sorry?</p> <p>8 MS. BOLGER: Not the</p> <p>9 wrestlers, the old WWF. I have a</p> <p>10 brother.</p> <p>11 Q. (By Mr. Ritchey) Did that major</p> <p>12 investigation involve any allegations of</p> <p>13 sexual assault or rape?</p> <p>14 A. You know, it was about the</p> <p>15 mistreatment of people by kind of</p> <p>16 anti-poaching police and I believe it</p> <p>17 included sexual mistreatment, but I don't</p> <p>18 -- no, actually I don't remember is the</p> <p>19 right answer to that question.</p> <p>20 Q. Do you know how long Katie Baker</p> <p>21 has been a journalist?</p> <p>22 A. No.</p> <p>23 Q. Do you know Katie Baker's</p>
<p style="text-align: right;">Page 151</p> <p>1 experience prior to joining BuzzFeed?</p> <p>2 A. Not in detail.</p> <p>3 Q. Do you know who made the decision</p> <p>4 not to retract the article?</p> <p>5 A. I don't believe there was ever any</p> <p>6 consideration of retracting the article.</p> <p>7 I don't recall a decision of any sort.</p> <p>8 Q. Were you involved in any</p> <p>9 discussion not involving your attorneys</p> <p>10 concerning retracting the article?</p> <p>11 A. No.</p> <p>12 Q. Do you still stand by the article?</p> <p>13 A. Yes.</p> <p>14 Q. And do you still support its</p> <p>15 publication?</p> <p>16 MS. BOLGER: Object to the</p> <p>17 form.</p> <p>18 A. I don't know -- I'm not sure what</p> <p>19 you mean by that.</p> <p>20 Q. (By Mr. Ritchey) Do you still</p> <p>21 think it should be published?</p> <p>22 A. Do you think -- are you asking if</p> <p>23 I think it should have been published?</p>	<p style="text-align: right;">Page 152</p> <p>1 Because I don't think -- or are you asking</p> <p>2 if I think they should publish it</p> <p>3 tomorrow? What do you mean?</p> <p>4 Q. Well, it's still published online.</p> <p>5 Should it still --</p> <p>6 A. Oh, I see. Should it stay on the</p> <p>7 internet?</p> <p>8 Q. Yes.</p> <p>9 A. Yes.</p> <p>10 Q. And what's your reasoning behind</p> <p>11 that?</p> <p>12 A. Well, I think the story of this</p> <p>13 young woman who reported a -- who reported</p> <p>14 her allegations of rape against a powerful</p> <p>15 man and the sort of sequence of events</p> <p>16 between that that ended in her suicide is</p> <p>17 an important story and I think the</p> <p>18 journalists who worked on it were very</p> <p>19 experienced and capable journalists and</p> <p>20 that's what we do.</p> <p>21 Q. Why is it an important story?</p> <p>22 A. You're asking me why a young</p> <p>23 woman's suicide is important? I think it</p>

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<p>1 is per se I guess.</p> <p>2 I don't really understand why I</p> <p>3 would need to explain that. That just</p> <p>4 seems like a really sad meaningful thing</p> <p>5 that you would want to understand what</p> <p>6 happened.</p> <p>7 Q. I understand that, and it is, but</p> <p>8 do you report every young woman's suicide?</p> <p>9 A. No.</p> <p>10 Q. Was there any reason why this</p> <p>11 particular story was more important than</p> <p>12 the others?</p> <p>13 MS. BOLGER: Object to the</p> <p>14 form. He never said that.</p> <p>15 A. Yeah, I don't think I did. What</p> <p>16 do you mean?</p> <p>17 Q. (By Mr. Ritchey) Is there any</p> <p>18 reason why this young woman's suicide was</p> <p>19 reported as opposed to another suicide?</p> <p>20 A. I mean, there are a lot of</p> <p>21 reasons, you know, why you would pick one</p> <p>22 tragedy rather than another to cover.</p> <p>23 Most -- you know, a lot -- if you had</p>	<p>1 resources, you'd probably cover more</p> <p>2 stories for sure.</p> <p>3 But I don't think we -- yeah. And</p> <p>4 I would say actually add I'm speaking kind</p> <p>5 of in the abstract. I don't specifically</p> <p>6 recall any of the decision making around</p> <p>7 why we covered this story.</p> <p>8 Q. (By Mr. Ritchey) Was the article</p> <p>9 written from a certain subject's</p> <p>10 perspective?</p> <p>11 MS. BOLGER: Object to the</p> <p>12 form. Lack of foundation. He's already</p> <p>13 testified he didn't write the article.</p> <p>14 Ben, you can answer.</p> <p>15 A. I mean we could go through it and,</p> <p>16 you know, there are places where Megan's</p> <p>17 perspective as reflected in public</p> <p>18 documents is given.</p> <p>19 There are places where you're</p> <p>20 quoting police officers and police</p> <p>21 reports. There are places where her</p> <p>22 family I believe is quoted.</p> <p>23 I think there's places where her</p>
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<p>1 friends are quoted. It's like most I</p> <p>2 would say news articles, it reflects a</p> <p>3 variety of perspectives.</p> <p>4 Q. (By Mr. Ritchey) Could Adam Jones</p> <p>5 and Josh Hastings' names have been left</p> <p>6 out of the article?</p> <p>7 MS. BOLGER: Object to the</p> <p>8 form.</p> <p>9 You can answer.</p> <p>10 A. I mean, I think all sorts -- I</p> <p>11 think I don't quite understand what you</p> <p>12 mean.</p> <p>13 Q. (By Mr. Ritchey) Is there any</p> <p>14 particular reason why Adam Jones and Josh</p> <p>15 Hastings' names was included in the story?</p> <p>16 A. You know, it's standard when</p> <p>17 you're writing about public servants doing</p> <p>18 their public activities to name them</p> <p>19 usually, yeah.</p> <p>20 There's also video -- I think, I</p> <p>21 didn't watch it, but I believe it shows</p> <p>22 them. Yeah, I think they were important</p> <p>23 figures in their -- you know, as police</p>	<p>1 officers doing their jobs who were a big</p> <p>2 part of the story or -- yeah.</p> <p>3 Q. (By Mr. Ritchey) I think you're</p> <p>4 telling me the story was about her rape</p> <p>5 allegations and the things that happened</p> <p>6 afterwards.</p> <p>7 What do Officers Jones and</p> <p>8 Hastings have to do with that?</p> <p>9 A. Well, again, I don't have, you</p> <p>10 know, any sort of an independent knowledge</p> <p>11 of the facts, but what the story reports</p> <p>12 was that she reported this rape and had a</p> <p>13 series of interaction.</p> <p>14 One of those sets of things, one</p> <p>15 of the institutions she interacted with</p> <p>16 was the police. I don't know the name of</p> <p>17 the police department but -- and she had a</p> <p>18 series of interactions with them so that's</p> <p>19 certainly important to the story.</p> <p>20 Q. What's your understanding of those</p> <p>21 interactions?</p> <p>22 MS. BOLGER: Object to the</p> <p>23 form.</p>

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<p>1 A. Yeah, I don't have an independent 2 understanding because I didn't -- you 3 know, I haven't done the reporting myself. 4 So all I really know is what I read in the 5 story. 6 And if you'd like we can kind of 7 go through line by line, but I don't 8 really have an understanding beyond what 9 is written in the story. 10 Q. (By Mr. Ritchey) You don't know 11 where Katie Baker got any of her 12 information, do you? 13 A. No. 14 MS. BOLGER: I'm sorry, I 15 didn't hear that. Can you say it again, 16 Scotch? 17 MR. RITCHEY: Do you mind 18 repeating that? 19 (Whereupon, requested portion was 20 read back by court reporter.) 21 MS. BOLGER: Great. Sorry. 22 Garbled. 23 A. No. Well, I would say there are</p>	<p>1 references to public documents and there's 2 a videotape in the story, so I assume 3 those are -- that's where some of the 4 information -- I mean most of the 5 information the story says where it's 6 from, but I don't have any indication 7 beyond that of where it came from. 8 Q. (By Mr. Ritchey) You never saw the 9 actual source of the information written 10 or shown in the article? 11 A. Well, there is a video in the 12 article. As I said, I didn't watch it. 13 Q. But you haven't seen the full 14 video; right? 15 A. As I said, I didn't watch the 16 video. 17 Q. Do you know now there is a full 18 video related to those clips included in 19 the article? 20 A. You know, I didn't -- I don't -- 21 unfortunately, I wasn't involved in the 22 reporting or editing of the article. I 23 don't really have any independent</p>
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<p>1 knowledge. If you tell me that, I believe 2 you. 3 Q. After the publication of the 4 article did you review anything that Katie 5 Baker or anyone that helped her gather 6 evidence concerning this article? 7 A. Did I -- 8 MS. BOLGER: I'm sorry, 9 Scotch, say that again. I didn't -- 10 A. I have heard of it, but I don't 11 understand it. 12 Do you mean did I ever read 13 another article by them about anything? 14 Q. (By Mr. Ritchey) Let me re-read 15 the question. I may have not ended it 16 well. 17 If you don't mind, Nancy. 18 COURT REPORTER: And y'all 19 are kind of talking over each other, just 20 a reminder. 21 (Whereupon, requested portion was 22 read back by court reporter.) 23 A. Could you just ask that a little</p>	<p>1 more specifically because I don't think 2 you're asking me if I ever read any 3 article by any of these people in any 4 context; right? 5 Q. (By Mr. Ritchey) No. I'm more 6 asking after the article was published did 7 you review any material that Katie Baker 8 gathered related to the article? 9 A. The only conversations I've had 10 about this article since it was published 11 have been with counsel. 12 Well, I don't want to be 13 categorical. There may be others, but I 14 certainly haven't talked about details or 15 evidence. 16 I guess I had that one 17 conversation with Katie about the process 18 being long. 19 Q. But at this time you still have 20 never seen any material Katie Baker 21 gathered for this article? 22 A. Well, I read your complaint so 23 I've seen what's in there.</p>

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<p>1 Q. And that's the extent of your 2 knowledge? 3 A. I've -- I mean -- 4 MS. BOLGER: Yes, 5 unprivileged knowledge. 6 A. Yeah, unprivileged knowledge, yes. 7 Q. (By Mr. Ritchey) Did you ever read 8 the Tuscaloosa News article written by 9 Stephanie Taylor concerning the same 10 Rondini allegations? 11 A. I don't recall reading it. 12 Q. Did you ever have any 13 correspondence with Stephanie Taylor or 14 the Tuscaloosa News concerning the 15 BuzzFeed article or the Tuscaloosa News 16 article? 17 A. I don't recall any. That doesn't 18 mean that I didn't. 19 Q. If you did have correspondence, do 20 you know what -- would you have done it in 21 a phone call or an email? 22 MS. BOLGER: Object to the 23 form. He just said --</p>	<p>1 A. I talk to lots of people all day 2 in lots of different ways. 3 Q. (By Mr. Ritchey) Have we discussed 4 all of your involvement with the article? 5 A. As I said, I mean all -- I mean I 6 wasn't -- let's say have we discussed all 7 of my involvement with the article? All 8 that I can recall. 9 Q. Okay. Do you know if the article 10 received any awards? 11 A. I don't know. 12 Q. Did Katie Baker ever receive any 13 awards related to the article? 14 A. I don't know. 15 Q. Did BuzzFeed ever receive any 16 awards related to the article? 17 A. I don't know. 18 Q. Did Katie Baker ever receive a 19 raise as a result of the article? 20 A. You know, we didn't typically tie 21 compensation to sort of a specific 22 article, but beyond that I don't really 23 know the details of Katie's compensation.</p>
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<p>1 Q. Do you know if she got a raise 2 after the article was published? 3 A. I don't know. 4 Q. I'm going to share with you what's 5 been Bates-stamped BuzzFeed 3731. 6 MS. BOLGER: Are we marking 7 it? 8 MR. RITCHEY: Yes, we're 9 going to mark it. It's going to be 10 Exhibit 114. 11 (Whereupon, a document was marked 12 as Plaintiff's Exhibit No. 114 and 13 is attached to the original 14 transcript.) 15 Q. Ben, if you'll just let me know 16 when you have a chance to review. 17 A. Yeah, I see that. 18 Q. Is this one of the emails you were 19 referencing before? 20 A. Yeah, yeah. 21 Q. Do you remember viewing any stats 22 concerning the article prior to this 23 email?</p>	<p>1 A. No. 2 MS. BOLGER: Objection. I 3 don't really know what a stat is. 4 Q. (By Mr. Ritchey) Do you know how 5 many views the article had prior to this 6 email or right before when you sent this 7 email? 8 A. No. 9 Q. Do you know if the article was 10 trending while this email was sent or 11 right before this email was sent? 12 A. Yeah, the word trending got used 13 in different ways at different times, but 14 I don't remember anything at all about the 15 readership of this article. 16 Q. Have you viewed any statistics 17 concerning this article? 18 A. Not that I recall. 19 Q. You say here at the Tuscaloosa 20 story. Is that the article we're talking 21 about here? 22 A. I believe so. 23 Q. And you say it's stunning; is that</p>

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<p>1 right?</p> <p>2 A. That's what it says.</p> <p>3 Q. What is stunning about it?</p> <p>4 A. I don't remember what I meant in</p> <p>5 this email. I mean it was meant as</p> <p>6 praise, but beyond that I don't remember.</p> <p>7 Q. Do you remember why you were</p> <p>8 praising Katie?</p> <p>9 A. No.</p> <p>10 Q. And it looks like you were the</p> <p>11 last one to respond to this email.</p> <p>12 Do you know if Katie ever</p> <p>13 responded back?</p> <p>14 A. No. And I'm just looking at the</p> <p>15 time stamps on it and I don't know who was</p> <p>16 in what time zone, but it looks like</p> <p>17 what's going on -- I don't really know</p> <p>18 what's going on with the time zones there.</p> <p>19 I don't know. I don't have any memory of</p> <p>20 this exchange.</p> <p>21 Q. I think what happened is this was,</p> <p>22 and I don't know if it's true or not, but</p> <p>23 it's my theory that this was possibly</p>	<p>1 taken off Katie Baker's computer which</p> <p>2 would have had a different time stamp than</p> <p>3 you.</p> <p>4 MS. BOLGER: That theory is</p> <p>5 not correct.</p> <p>6 MR. RITCHEY: Okay. Sorry.</p> <p>7 I thought that was a good one.</p> <p>8 Do you know actually why</p> <p>9 they are different, Kate, off the record?</p> <p>10 (Off-the-record discussion.)</p> <p>11 MR. RITCHEY: We can go back</p> <p>12 on now.</p> <p>13 (Whereupon, a document was marked</p> <p>14 as Plaintiff's Exhibit No. 115 and</p> <p>15 is attached to the original</p> <p>16 transcript.)</p> <p>17 Q. (By Mr. Ritchey) I'm going to show</p> <p>18 you what's been marked or what has been</p> <p>19 Bates-stamped as BuzzFeed 3399 and we'll</p> <p>20 mark this as 115, Exhibit 115.</p> <p>21 If you'll just let me know when</p> <p>22 you've had a chance to review.</p> <p>23 A. Yeah, I see it.</p>
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<p>1 Q. Was this the other email you</p> <p>2 referenced before in our discussions?</p> <p>3 A. This isn't an email, but it may</p> <p>4 be. This is something I reviewed in</p> <p>5 preparation for today.</p> <p>6 Q. Was there any other email that you</p> <p>7 reviewed in preparation for today?</p> <p>8 A. I can't -- other email that I</p> <p>9 reviewed in preparation for today.</p> <p>10 Shoot, I can't remember. I</p> <p>11 definitely reviewed this and the previous</p> <p>12 one you showed me.</p> <p>13 Q. Okay. Do you think there's</p> <p>14 another one or you just can't remember?</p> <p>15 A. I'm not sure.</p> <p>16 Q. Do you remember sending or</p> <p>17 receiving any other email than these two</p> <p>18 that relate to the article?</p> <p>19 A. No. And I should say I also don't</p> <p>20 remember sending or sending that other one</p> <p>21 or making this comment.</p> <p>22 Q. Do you have any reason to believe</p> <p>23 these emails are inaccurate or not --</p>	<p>1 A. No, no, I believe they're accurate</p> <p>2 and I believe that they're authentic.</p> <p>3 Q. And is this the one email we were</p> <p>4 talking about where you had the headline</p> <p>5 suggestion?</p> <p>6 MS. BOLGER: Object to the</p> <p>7 form. Again, not an email, but, yes, go</p> <p>8 ahead.</p> <p>9 A. Yes, this is the -- yes, this is</p> <p>10 the --</p> <p>11 Q. (By Mr. Ritchey) Well, what is</p> <p>12 this because it appears to be an email in</p> <p>13 my view?</p> <p>14 A. Google documents can send sort of</p> <p>15 alert and change and submit the document</p> <p>16 as an email if you have your settings set</p> <p>17 up in a certain way, I think. So it looks</p> <p>18 like Marisa got like a ping.</p> <p>19 Q. Okay. But this was --</p> <p>20 A. It wasn't an email from me.</p> <p>21 Q. Okay. This wasn't an email from</p> <p>22 you, but this was where you were making</p> <p>23 suggestions to the headline?</p>

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<p style="text-align: right;">Page 169</p> <p>1 A. Yeah, that's right.</p> <p>2 Q. All right. I'm showing you the</p> <p>3 BuzzFeed News Standards and Ethics Guide</p> <p>4 and we'll mark this as Exhibit 116.</p> <p>5 (Whereupon, a document was marked</p> <p>6 as Plaintiff's Exhibit No. 116 and</p> <p>7 is attached to the original</p> <p>8 transcript.)</p> <p>9 Q. Are you familiar with this</p> <p>10 document?</p> <p>11 A. Yes.</p> <p>12 Q. Did you assist in creating this</p> <p>13 guide?</p> <p>14 A. Yes, excuse me for one moment</p> <p>15 while I let me dog out of the room.</p> <p>16 (Off the record.)</p> <p>17 A. Yeah, I did.</p> <p>18 Q. Okay. What was your involvement</p> <p>19 in creating this document?</p> <p>20 A. I don't recall in detail.</p> <p>21 Q. In general do you have any --</p> <p>22 A. You know, I was ultimately</p> <p>23 responsible for it and sort of solicited</p>	<p style="text-align: right;">Page 170</p> <p>1 input to it, edited it, contributed.</p> <p>2 Q. Was this policy in effect when the</p> <p>3 article was published?</p> <p>4 A. It was updated at various times.</p> <p>5 This looks like this was updated on</p> <p>6 September 12, 2019.</p> <p>7 So I think this is a version that</p> <p>8 was updated after article was published,</p> <p>9 but a version of it was in effect.</p> <p>10 Q. Do you remember what was updated?</p> <p>11 A. I remember we made a lot of</p> <p>12 changes and additions, but I don't</p> <p>13 remember specifically.</p> <p>14 Q. Let me scroll down to a portion of</p> <p>15 it.</p> <p>16 MS. BOLGER: I think going</p> <p>17 to law school makes you say really</p> <p>18 annoying things, so I'm about to say it</p> <p>19 now.</p> <p>20 This is obviously a</p> <p>21 printout, and just for the record, there's</p> <p>22 some -- on the bottom of the pages there's</p> <p>23 some blurred texts, so I'm just saying</p>
<p style="text-align: right;">Page 171</p> <p>1 that for the record.</p> <p>2 MR. RITCHEY: Okay. I'm not</p> <p>3 trying to get into that blurred text, so I</p> <p>4 think the part I'm getting into should be</p> <p>5 fine. If not, let me know.</p> <p>6 Q. Do you see the heading legal and</p> <p>7 ethics at the top of the page?</p> <p>8 A. Yes.</p> <p>9 Q. And then underneath you see</p> <p>10 activism?</p> <p>11 A. Yes.</p> <p>12 Q. And then in that first paragraph</p> <p>13 underneath that it says we firmly believe</p> <p>14 that a number of issues including civil</p> <p>15 rights, women's rights, anti-racism, and</p> <p>16 LGB equality they're not two sides.</p> <p>17 Do you see where I reading that?</p> <p>18 A. Yeah.</p> <p>19 Q. What does that mean, they're not</p> <p>20 two sides?</p> <p>21 A. It means that we don't think that,</p> <p>22 you know, you should treat in the case of</p> <p>23 racism you should quote a member of the</p>	<p style="text-align: right;">Page 172</p> <p>1 Klan as sort of a respectable spokesman</p> <p>2 for a cause the way you would other causes</p> <p>3 for instance.</p> <p>4 Q. Okay. What about in the view of</p> <p>5 women's rights, what would that entail?</p> <p>6 A. I don't recall what we were</p> <p>7 specifically -- what we were specifically</p> <p>8 thinking, but again, you know if somebody</p> <p>9 -- that we wouldn't -- if somebody views</p> <p>10 that women shouldn't have the right to</p> <p>11 vote, for instance, that's not something</p> <p>12 we would probably treat as part of the</p> <p>13 normal political conversation. I think</p> <p>14 this is -- yeah.</p> <p>15 Q. Would this part of the policy</p> <p>16 cover sexual assaults or rape allegations</p> <p>17 or stories regarding those?</p> <p>18 A. You know, I think actually it's a</p> <p>19 not in the policy, but I can't ever think</p> <p>20 of a news organization that thought murder</p> <p>21 or sexual assault was something that was</p> <p>22 good.</p> <p>23 Q. Okay. But --</p>

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<p>1 A. I think -- I mean, I don't think 2 it would be considered activism in a 3 newsroom to consider sexual assault, 4 murder, theft, any kind of real crime 5 something that you would cover like two 6 sides. 7 Q. What if the story involved an 8 attempt to change the law or change 9 community response to a sexual assault or 10 rape? 11 MS. BOLGER: Object to the 12 form of the question. 13 A. Yeah, I mean, I don't think that's 14 really -- that's not what this is -- I 15 mean, yeah, I don't really see -- I guess 16 I don't totally understand the question. 17 Q. (By Mr. Ritchey) You say you 18 didn't believe sexual assault allegations 19 or rapes were part of an activism? 20 A. I didn't say allegations. I just 21 said I didn't think that there was -- I 22 just don't think that in the news 23 journalism business or the legal</p>	<p>1 profession generally there's sort of a 2 pro-sexual assault position that's 3 widely -- you know, I've never really 4 heard that. 5 Q. Okay. But I'm just asking -- 6 A. -- assault -- 7 Q. -- I'm just asking would this 8 policy cover sexual assault stories 9 written by BuzzFeed? 10 A. Yeah, it would cover all stories 11 written by BuzzFeed. 12 Q. Did BuzzFeed have any internal 13 controls to determine accuracy and 14 fairness in the articles? 15 MS. BOLGER: Object to the 16 form. I don't know what accuracy -- 17 A. I mean, I think -- 18 MS. BOLGER: -- and internal 19 controls are, but if you do -- sorry, Ben, 20 we talked over each other. 21 That's the Zoom. My 22 objection, Nancy, was that I don't know 23 what internal controls mean, but if Ben</p>
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<p>1 answers -- can answer he can and I think 2 Ben said he didn't know what he meant. 3 Q. (By Mr. Ritchey) Was there any 4 program or any type of policy or 5 guidelines that was used by BuzzFeed to 6 determine accuracy and fairness? 7 A. No, I think -- I mean, the entire 8 news operation, like most news operations, 9 is directed toward accuracy and fairness. 10 It wasn't some specific part of 11 the operation. I mean there were lots and 12 lots of things we did for that reason. 13 Q. What do you mean lots and lots of 14 things? 15 A. I mean we would call people. We 16 could look at documents. We would check 17 -- we would recheck documents. 18 We would have a reporter and an 19 editor work together on the story. Just 20 really the entire huge part of what a 21 newsroom does is to make sure that you get 22 things right. 23 Q. And other than what you just</p>	<p>1 discussed, are there any other ways to 2 make sure you've got it right? 3 A. There are hundreds. Should I just 4 keep going? I'm not sure what you mean. 5 Q. Just the big picture will be fine. 6 I don't want you to list everything you 7 can think of but -- 8 A. It's really the -- it's a huge 9 share of the entire job. So it's what 10 most people in the newsroom are doing most 11 of the day, gathering information. 12 Q. Do you know if BuzzFeed made any 13 money off the article? 14 A. I believe at the time -- I don't 15 believe that we did at the time it was 16 published. I think we were not running 17 display advertising at that time. 18 Q. What about after? 19 A. But I'm not an expert on this. 20 Q. What about after publishing? 21 A. There was a point, and I don't 22 know the specific dates, when we switched 23 -- when we started putting display</p>

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<p>1 advertising on the side of articles.</p> <p>2 I think it was after publication.</p> <p>3 I believe you talked to my old colleague</p> <p>4 Jessica Probus who is very in the weeds of</p> <p>5 this. I was not and I am not now.</p> <p>6 Q. Did you ever talk to Jessica about</p> <p>7 this deposition?</p> <p>8 A. No.</p> <p>9 Q. Did you ever talk to Jessica about</p> <p>10 the article?</p> <p>11 A. No.</p> <p>12 Q. What was the reason to start</p> <p>13 including advertisement on BuzzFeed news</p> <p>14 articles?</p> <p>15 A. The -- the BuzzFeed advertising</p> <p>16 business changed from -- changed in kind</p> <p>17 of the technical ways of the advertising</p> <p>18 industry and we decided that it was no</p> <p>19 longer in contradiction to do the</p> <p>20 basically traditional form of advertising,</p> <p>21 which is to have it on the side of the</p> <p>22 articles in tandem with the other</p> <p>23 businesses.</p>	<p>1 Q. And what led to that decision?</p> <p>2 A. I mean all sorts of internal</p> <p>3 conversations, which I mostly wasn't a</p> <p>4 part of on our advertising side.</p> <p>5 Q. Did BuzzFeed News make any money</p> <p>6 prior to those -- to implementing those</p> <p>7 advertisement banners?</p> <p>8 MS. BOLGER: Objection. You</p> <p>9 mean ever -- I don't understand. You mean</p> <p>10 ever?</p> <p>11 A. What do you mean ever? Yeah.</p> <p>12 Q. (By Mr. Ritchey) Like BuzzFeed</p> <p>13 News just in particular prior to those</p> <p>14 banner advertisements being put on the</p> <p>15 articles.</p> <p>16 A. Yes.</p> <p>17 Q. How so?</p> <p>18 A. I mean, again, I'm not sure how</p> <p>19 much detail you want. We would</p> <p>20 occasionally put on events.</p> <p>21 There were business development</p> <p>22 deals with other companies and then there</p> <p>23 was sort of questions of how you attribute</p>
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<p>1 the revenue generated by other forms of</p> <p>2 advertising, but we weren't a free</p> <p>3 standing company.</p> <p>4 We were a business and operating</p> <p>5 unit and so there's sort of there were a</p> <p>6 -- there were questions of how you account</p> <p>7 for all sorts of things as well as certain</p> <p>8 relatively minor business lines.</p> <p>9 Q. Okay. But just BuzzFeed News</p> <p>10 articles specifically, I'm not talking</p> <p>11 about the other BuzzFeed articles that</p> <p>12 were published.</p> <p>13 Did BuzzFeed News articles</p> <p>14 specifically make any money prior to</p> <p>15 implementation of those banner ads?</p> <p>16 A. Was there money if you looked at</p> <p>17 the page was there any -- no.</p> <p>18 Q. Okay. And there was no way to</p> <p>19 attribute whether BuzzFeed News articles</p> <p>20 generated income as opposed to just</p> <p>21 BuzzFeed.com articles?</p> <p>22 A. I mean this company certainly</p> <p>23 worked to attribute to figure out how to</p>	<p>1 sort of do attribution, but I don't think</p> <p>2 there was ever a clear way to do it.</p> <p>3 Q. Okay. How did they try to do it?</p> <p>4 A. I wasn't involved and don't</p> <p>5 remember.</p> <p>6 Q. Was there a reason that BuzzFeed</p> <p>7 News articles were not monetized prior to</p> <p>8 those implementations of the banner ads?</p> <p>9 A. The implementation of banner ads</p> <p>10 wasn't specific to news. BuzzFeed</p> <p>11 articles in general weren't monetized</p> <p>12 through display advertising because</p> <p>13 BuzzFeed had a different advertising model</p> <p>14 that was I think no-sponsored content.</p> <p>15 Although I don't recall if news --</p> <p>16 which articles went into display first and</p> <p>17 which didn't.</p> <p>18 Q. Do you know if BuzzFeed sells</p> <p>19 viewers' information to third parties?</p> <p>20 A. I don't know.</p> <p>21 Q. Do you know if BuzzFeed could</p> <p>22 track how people reached their sites or</p> <p>23 stories?</p>

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<p>1 MS. BOLGER: Object to the</p> <p>2 form.</p> <p>3 A. Sometimes.</p> <p>4 Q. (By Mr. Ritchey) What do you mean</p> <p>5 sometimes?</p> <p>6 A. You could -- if somebody came from</p> <p>7 Facebook or from Twitter, you could see</p> <p>8 that but sometimes you didn't know where</p> <p>9 they came from, but you could -- you could</p> <p>10 tell what other website they were coming</p> <p>11 from.</p> <p>12 Q. How was that able to be</p> <p>13 determined?</p> <p>14 MS. BOLGER: Object to the</p> <p>15 form. You mean a timeframe? Do you mean</p> <p>16 this article?</p> <p>17 Q. (By Mr. Ritchey) I guess we can --</p> <p>18 A. I was not -- I'm not a technical</p> <p>19 specialist. I can't tell you the</p> <p>20 technical details.</p> <p>21 Q. Okay. But there is a way to track</p> <p>22 where viewers came from outside of the</p> <p>23 BuzzFeed website; is that right?</p>	<p>1 A. Yeah, not all of the viewers but</p> <p>2 there were some.</p> <p>3 Q. Do you know if that information is</p> <p>4 kept anywhere?</p> <p>5 A. Yeah, reporters, editors had</p> <p>6 access to a dashboard that would show</p> <p>7 that.</p> <p>8 Q. What's that dashboard called?</p> <p>9 A. I think it was called Dashboard.</p> <p>10 Might have been called Dashbird at some</p> <p>11 point.</p> <p>12 Q. Do you know if BuzzFeed was able</p> <p>13 to track where people geographically</p> <p>14 viewed the article? And I mean the</p> <p>15 article we're talking about here today --</p> <p>16 A. I don't recall. I certainly don't</p> <p>17 know.</p> <p>18 Q. Do you know in general if that's</p> <p>19 able to be done?</p> <p>20 A. I know in general it's able to be</p> <p>21 done on the internet. I can't remember</p> <p>22 how we did it at BuzzFeed if we did.</p> <p>23 Q. Would that be on the Dashbird</p>
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<p>1 application?</p> <p>2 MS. BOLGER: Object to the</p> <p>3 form. He just said he doesn't know.</p> <p>4 A. Yeah, I can't remember.</p> <p>5 Q. (By Mr. Ritchey) Do you know what</p> <p>6 a trending badge is?</p> <p>7 A. Trending badge. I think I know</p> <p>8 what you're referring to.</p> <p>9 Q. What is it?</p> <p>10 A. Well, I don't think we called it</p> <p>11 that or I can't remember what I called it,</p> <p>12 but there was an indication to readers</p> <p>13 that a story was being very widely red</p> <p>14 with a red circle, or being very widely</p> <p>15 shared.</p> <p>16 I don't remember the formula for</p> <p>17 what it was, but it was to indicate that a</p> <p>18 story was getting a lot of people.</p> <p>19 Q. Okay. Do you know what the viral</p> <p>20 Dashboard is?</p> <p>21 A. Yeah, that's what I just described</p> <p>22 to you.</p> <p>23 Q. Okay. The Dashbird or Dashboard?</p>	<p>1 A. Yeah.</p> <p>2 Q. Do you know what re-buzzed by</p> <p>3 in-depth means?</p> <p>4 A. No.</p> <p>5 Oh, yes, I'm sorry, I do. It</p> <p>6 means that there was a page on the site</p> <p>7 whose username was in-depth and that it</p> <p>8 was open -- that was sort of jargon</p> <p>9 meaning, that this story had been reposted</p> <p>10 to that page as well as to the home page</p> <p>11 or to where it was showing up.</p> <p>12 Q. Okay. So in-depth was a different</p> <p>13 page on BuzzFeed.com?</p> <p>14 A. Or BuzzFeedNews.com, I don't</p> <p>15 remember which --</p> <p>16 Q. Okay, and what would in-depth,</p> <p>17 what would the in-depth page post?</p> <p>18 A. You know, I have no memory of it.</p> <p>19 The name is in-depth so I figure things</p> <p>20 that are in-depth.</p> <p>21 Q. Do you know what Pound is?</p> <p>22 MS. BOLGER: Object to the</p> <p>23 form. You mean like in currency?</p>

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<p>1 Q. (By Mr. Ritchey) It's an acronym 2 for Process for Optimizing and 3 Understanding Network Diffusion. 4 A. I remember the word but I don't 5 remember how it worked or what the details 6 were. 7 Q. Do you have any general idea of 8 what it is? 9 A. No. 10 Q. Do you know who would know? 11 A. No. 12 Q. Do you know if any particular 13 audience was targeted for the article? 14 A. No. 15 Q. Would the amount of views 16 generated by the article increase 17 BuzzFeed's value? 18 MS. BOLGER: Object to the 19 form. 20 A. Not in any meaningful way. 21 Q. (By Mr. Ritchey) Why not? 22 A. I mean the company published 23 hundreds of articles a week and its value</p>	<p>1 is really dependent on some of the longer 2 term trends, not any one article published 3 one day. 4 Q. Do you know if it's difficult to 5 make a news story go viral? 6 MS. BOLGER: Object to the 7 form. 8 A. What do you mean by go viral? 9 Q. (By Mr. Ritchey) What does viral 10 mean to you? 11 A. Typically it means that people are 12 sharing it, sharing a story with each and 13 talking about it. 14 Q. Let's use that definition. 15 A. I think, you know, good stories 16 typically people do want to share them and 17 talk about them. Not all; some they 18 don't. 19 Q. Are news stories more difficult to 20 make go viral than say the quizzes or 21 lists published on BuzzFeed.com? 22 MS. BOLGER: Object to the 23 form.</p>
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<p>1 A. It's not so much about the -- no, 2 not per se. 3 I mean it's not -- this -- sorry, 4 it's a complicated question. I've spent 5 all my career thinking about it, so it's 6 hard for me to give you a quick answer. 7 Q. (By Mr. Ritchey) What do you mean 8 you spent a lot of your career thinking 9 about that? 10 A. I mean, if you're a journalist 11 you're trying to think about how do you do 12 stories that people want to talk about and 13 people are interested in and people care 14 about and that are important to them, and 15 so you can do that well or badly. It's 16 not a sort of blanket answer. 17 Q. And that affects what type of 18 stories journalists write about? 19 A. Yeah, journalists have always 20 tried do articles that people are 21 interested in and people care about. 22 MR. RITCHEY: If you'll just 23 give me one second, I'm going to review my</p>	<p>1 notes and see if there's anything, but we 2 may be just about done. If we can just 3 take a five or ten minute break. 4 VIDEOGRAPHER: Off the 5 record at 12:48. 6 (Recess was taken.) 7 VIDEOGRAPHER: Back on the 8 record at 12:53 p m. 9 Q. Are there different ways of 10 measuring how people are reading a 11 particular article or story on BuzzFeed? 12 MS. BOLGER: Object to the 13 form. 14 You can answer. 15 A. Not that I can think of, although 16 maybe I'm not understanding you correctly. 17 Q. (By Mr. Ritchey) How does BuzzFeed 18 measure how an article is being shared or 19 viewed? 20 A. I don't know sort of exactly the 21 technical way in which the data sort of 22 comes from the server or sort of how 23 software reads statistics off server logs</p>

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<p>1 works, but you can tell if visited people</p> <p>2 and you can tell where they visited from</p> <p>3 and you can tell if they've clicked, for</p> <p>4 instance, the Facebook share or the</p> <p>5 Pinterest share or the Twitter share</p> <p>6 button on the page and how long they spent</p> <p>7 on the page as well.</p> <p>8 Q. Are there any other statistics</p> <p>9 that you --</p> <p>10 A. Sure, there are lots, but I don't</p> <p>11 --</p> <p>12 Q. Are those the most important</p> <p>13 statistics to you?</p> <p>14 A. It really depends on kind of what</p> <p>15 you're trying to understand.</p> <p>16 Q. What kind of statistics do you or</p> <p>17 did you look at most for a particular</p> <p>18 article?</p> <p>19 A. I look at how many people read an</p> <p>20 article, what percentage of the traffic</p> <p>21 came from people clicking on the story in</p> <p>22 BuzzFeed versus people sharing it and</p> <p>23 talking about it elsewhere. Those are</p>	<p>1 important.</p> <p>2 MR. RITCHEY: I think that's</p> <p>3 all I've got.</p> <p>4 MS. BOLGER: No questions.</p> <p>5 VIDEOGRAPHER: Off the</p> <p>6 record at 12:55 and this concludes the</p> <p>7 deposition.</p> <p>8</p> <p>9 [The deposition was concluded at</p> <p>10 12:55 p.m., and further deponent saith</p> <p>11 not.]</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
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<p>1 CERTIFICATE</p> <p>2 STATE OF ALABAMA )</p> <p>3 TUSCALOOSA COUNTY )</p> <p>4 I hereby certify that the above and</p> <p>5 foregoing proceedings were taken down by</p> <p>6 me in stenotype, and the questions and</p> <p>7 answers thereto were reduced in transcript</p> <p>8 form by computer-aided transcript under my</p> <p>9 supervision, and that the foregoing</p> <p>10 represents a true and correct transcript</p> <p>11 of the proceedings occurring on said date</p> <p>12 at said time.</p> <p>13 I further certify that I am neither</p> <p>14 of counsel nor of kin to the parties to</p> <p>15 the action, nor am I anywise interested in</p> <p>16 the results of said cause.</p> <p>17 Signed February 26, 2021.</p> <p>18</p> <p>19 /s/ Nancy Pannell, CCR</p> <p>20 NANCY PANNELL, CCR</p> <p>21 Alabama CCR No. 30, Expires 9/30/2021</p> <p>22 Commissioner for the State of Alabama at</p> <p>23 Large, Commission expires 07/17/2021</p>	

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